



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:
S.B. NO. 296, RELATING TO MINORS.

BEFORE THE:
SENATE COMMITTEES ON HEALTH AND HUMAN SERVICES AND ON PUBLIC
SAFETY AND MILITARY AFFAIRS

DATE: Friday, February 7, 2025 **TIME:** 3:10 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Melissa Chee, Deputy Attorney General

Chairs San Buenaventura and Elefante and Members of the Committees:

The Department of the Attorney General provides the following comments.

This bill: (1) authorizes a physician to examine, treat, and obtain evidence of a sexual offense from, a consenting minor patient who is the victim of one of certain sexual offenses and (2) authorizes a minor offender committed to the Hawaii youth correctional facility to receive care without the consent of the minor's parent or legal guardian.

Although the bill authorizes any physician to examine, treat, and obtain evidence of a sexual offense, these activities are best carried out by trained sexual assault nurse examiners (SANE) or sexual assault forensic examiners (SAFE). SANE and SAFE have completed specialized education and clinical preparation in the medical forensic care of a patient who has experienced sexual assault or abuse, and they follow the protocols as established under chapter 844G, Hawaii Revised Statutes (HRS), relating to the use of sexual assault evidence collection kits. These protocols help ensure that sexual assault victims are not further traumatized and are notified of their rights as established under section 844G-7, HRS. SANE and SAFE are trained in the procedures for transferring the kits to the police for DNA testing, including maintaining chain of custody. Other physicians are not ordinarily trained to perform these

procedures. Given these factors, limiting the authority to conduct such examinations to properly trained professionals may be advisable.

Additionally, we recommend the following amendments to the bill to improve clarity.

In the proposed section 577A- (b), (page 1, line 15) we recommend defining the term “reasonable effort” to provide clear guidance to physicians. For instance, the term may be defined to mean “reasonable attempts to call, email, or text.” A definition would provide guidance to the physician as to what is a “reasonable effort.”

In section 1 (page 3, lines 4-7), we recommend replacing the wording of the new section 557A- (f) with the following:

(f) No physician who relies in good faith on the minor’s consent shall be civilly or criminally liable for failure to secure the consent of the minor’s parent, parents, or legal guardian prior to rendering care pursuant to subsection (a).

As currently written, there could be arguments that a physician who commits a bad act while providing care is shielded from liability as long as they have obtained the minor’s consent first.

Furthermore, the bill in part II proposes adding a new section to chapter 352, HRS (page 3, line 12, to page 4, line 10). However, this may be unnecessary. Currently section 352-8, HRS, provides, in part:

Notwithstanding any law to the contrary, the director shall be the guardian of every youth committed to or received at the Hawaii youth correctional facilities. The director shall have all the powers and duties of a natural guardian of the youth; provided that the director shall not be liable in damages for the tortious acts committed by the youth.

If the reason for part II of the bill is to obtain treatment for the minor in custody, section 352-8, HRS, currently addresses this. The Executive Director of the Office of Youth Services, as the natural guardian of youth committed to the HYCF, can provide consent, authorizing a minor committed to the HYCF to receive treatment without parental or guardian consent. Moreover, as the director may provide consent for a minor to receive

treatment, the need for the immunity provisions of the new section's subsection (b) on page 4, lines 1-10, is reduced. Accordingly, we recommend deleting part II (page 3, line 11, to page 4, line 10).

We respectfully ask the Committee to make the recommended amendments.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



LEANNE GILLESPIE
EXECUTIVE DIRECTOR
LUNA HO'OKELE

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STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
OFFICE OF YOUTH SERVICES
KE'ENA LAWELAWE 'ŌPIO
1010 Richards Street, Suite 314
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February 6, 2025

TO: The Honorable Senator Brandon J.C. Elefante, Chair
The Honorable Senator Glenn Wakai, Vice Chair
Senate Committee on Public Safety and Military Affairs

The Honorable Senator Joy A. San Buenaventura, Chair
The Honorable Senator Henry J.C. Aquino, Vice Chair
Senate Committee on Health and Human Services

FROM: Leanne Gillespie, Executive Director

SUBJECT: SB 296 – RELATING TO MINORS
Hearing: February 7, 2025, 3:10 p.m.
Conference Room 225 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Office of Youth Services (OYS) supports the intent of this bill as it relates to the Office of Youth Services, Hawaii Revised Statutes Chapter 352-, and offers comments.

PURPOSE: The purpose of this bill is to authorize a physician, upon consultation with a minor patient who indicates that the minor was the victim of a sexual offense, with the consent of the minor patient, to perform customary and necessary examinations to obtain evidence of the sexual offense and may prescribe for and treat the patient for any immediate condition

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caused by the sexual offense. Provides that the consent of the parent, parents, or legal guardian of the minor offender who has been committed to the Hawaii Youth Correctional Facility is not necessary in order to authorize hospital, medical, mental health, dental, emergency health, or emergency surgical care.

Under H.R.S. Chapter 352-, the Office of Youth Services (OYS) operates the State's only correctional facility for youth committed by the courts. The purpose of the Hawaii Youth Correctional Facility (HYCF) is to provide for the custody, rehabilitation and institutional care of youth. Under Chapter 352-8 Guardianship and custody of the person committed, the director of the Office of Youth Services has all the powers and duties of a natural guardian of the youth and the authority to authorize any and all hospital, medical, mental health, dental, emergency health, or emergency surgical care. OYS appreciates the proposed added protections outlined on page 4, line 1, (b) for services provided in good faith.

Thank you for the opportunity to provide comments.



**Testimony Presented Before the
Senate Committee on Health and Human Services
and
Senate Committee on Public Safety and Military Affairs
Friday, February 7, 2025 at 3:10 PM
Conference Room 225 and videoconference
By
Laura Reichhardt, APRN, AGPCNP-BC
Director, Hawai'i State Center for Nursing
University of Hawai'i at Mānoa**

TESTIMONY WITH COMMENTS on S.B. 296

Chairs San Buenaventura and Elefante, Vice Chairs Aquino and Wakai, and members of the committees:

Thank you for hearing this measure. This measure aims to permits a physician, with the consent of a minor patient who reports being a victim of a sexual offense, to conduct customary and necessary examinations to collect evidence of the offense and to prescribe treatment for any immediate conditions resulting from it. Additionally, specifies that parental or legal guardian consent is not required to authorize hospital, medical, mental health, dental, emergency healthcare, or emergency surgical care for minor offenders committed to Hawai'i youth correctional facilities. The Hawai'i State Center for Nursing (HSCN) provides comments with recommendations for amendments.

HSCN thanks the Legislature for its effort support and protect minors in our state by improving access to care for those who report being a victim of sexual offenses. In addition, HSCN recommends that in addition to the physician, this measure be amended to include other qualified healthcare providers to conduct the examination and treat the patient.

HSCN has a longstanding initiative to address barriers to Advanced Practice Registered Nurse (APRN) care as a mechanism to improve access to high quality health care services. In 2022, HSCN started an interprofessional effort to review the Hawai'i Revised Statutes for laws that inform healthcare access that are outside of healthcare professionals' scope of practice laws (primarily in Title 25). The committee found that nearly half of the HRS had language that limited all qualified providers from engaging in certain healthcare activities as described in those statutes. Further, HSCN recognizes certain specialties in nursing, like sexual assault nurse examiners (SANE), have specific education and training that make them exceptionally qualified for this measure's particular scope of care. Therefore, in order to optimize the access to care that this measure establishes, where physician appears in this measure, HSCN respectfully requests that it be replaced with the below language, which includes physicians but expands the access to care to the other highly skilled healthcare workforce who may undertake this care:

Physician-Qualified licensed healthcare provider.

Further, this aligns with the HRS 557A Legal Capacity of Minor Regarding Medical Care.

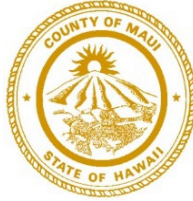
The Hawai'i State Center for Nursing commends the Legislature for introducing this measure and for your commitment to the health and safety of minors in our state. Thank you for the opportunity to testify with comments on this measure.

The mission of the Hawai'i State Center is to engage in nursing workforce research, promote best practices and disseminate knowledge, cultivate a diverse and well-prepared workforce, support healthy work environments, champion lifelong learning, and strategically plan for sound nursing workforce policy.

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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TESTIMONY ON
S.B. 296
RELATING TO MINORS

February 4, 2025

The Honorable Brandon J.C. Elefante
Chair
The Honorable Glenn Wakai
Vice Chair
and Members of the Committee on Public Safety and Military Affairs

The Honorable Joy A. San Buenaventura
Chair
The Honorable Henry J.C. Aquino
Vice Chair
and Members of the Committee on Health and Human Services

Chairs Elefante and San Buenaventura, Vice Chairs Wakai and Aquino, and Members of the Committees:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in support of the intent behind S.B. 296, Relating to Minors, but with concerns regarding its effect on criminal prosecution and the potential for further traumatization of vulnerable individuals.**

The Department of the Prosecuting Attorney, County of Maui supports the intent of the bill to allow minors to exercise their bodily autonomy when seeking medical care, especially when seeking treatment for sexual assaults or to report same. However, we are concerned that related criminal prosecutions may be jeopardized if a physician or nurse without forensic examination training attempts to perform a forensic examination, especially with the intent of obtaining evidence for use in future prosecution.

When conducting a forensic examination, it is vital that the examiner be trained in the procedures for sexual assault evidence collection, including use of a sexual assault evidence collection kit and transferring the kit to the police for testing. Improper use of the collection kit or improper storage or transfer procedures can render the evidence unusable for prosecution purposes. To ensure evidence is properly collected and preserved, sexual assault examinations are typically done by a medical professional called a SAFE (“Sexual Assault Forensic Examiner”) or a SANE (“Sexual Assault Nurse Examiner”). As drafted, the bill does not account for the specific training and procedures necessary for the collection and preservation of evidence in sexual assault forensic examinations.

Similarly, we are also concerned about the potential for further traumatizing minors who have been sexually assaulted. While all licensed medical professionals are capable of offering medical care and treatment to patients, not all professionals have been trained in interacting with child sexual assault victims or minimizing the mental and emotional trauma inflicted when treating a recently-assaulted child. Again, as drafted this bill does not account for the training necessary to conduct a trauma-informed examination of a sexually-assaulted child.

Finally, we note that H.B. 731, the companion bill to S.B. 296 containing similar language, was recently amended by the House Committee on Human Services and Homelessness. Per the committee report for that hearing, the amended HD1 version of H.B. 731 contains language intended to clarify that “a licensed health care provider properly trained in the medical forensic care of a patient who has experienced sexual assault or abuse, rather than a physician, may perform the customary and necessary examinations under this measure.”

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports the intent behind S.B. 296, but has concerns regarding its effect on prosecution of criminal matters and the potential for further traumatization of vulnerable individuals.** Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.

Thank you very much for the opportunity to provide testimony on this bill.

Hawai'i Association of Professional Nurses (HAPN)



To: The Honorable Senator Joy San Buenaventura, Chair of the Senate Committee on Health and Human Services; The Honorable Senator Brandon J.C. Elefante, Chair of the Senate Committee on Public Safety and Military Affairs

From: Hawai'i Association of Professional Nurses (HAPN)

Subject: SB296 – Relating to Minors

Hearing: Wednesday, February 7, 2025, at 3:10 p.m.

Aloha Senator San Buenaventura, Chair; Senator Elefante, Chair; and Members of the Committees,

On behalf of the Hawai'i Association of Professional Nurses (HAPN), we appreciate the opportunity to provide testimony **in support of SB296 with amendments** to ensure that minors who have been victims of sexual offenses have access to timely, compassionate, and necessary medical care without undue barriers.

While SB296 takes an important step in addressing healthcare access for minor victims of sexual offenses, we **respectfully request an amendment** to ensure **provider-neutral language** by replacing references to “physician” with “**licensed healthcare provider.**”

Hawai'i's healthcare system relies on a multidisciplinary team of providers, including Advanced Practice Registered Nurses (APRNs), to deliver essential care, particularly in rural and underserved communities. Restricting care only to physicians may create unintended access barriers that could delay necessary examinations and treatment for minor victims.

APRNs in Hawai'i already provide medical exams, trauma-informed care, and comprehensive treatment. Aligning SB296 with existing healthcare policies that recognize APRNs' critical role ensures equitable access to care, regardless of a minor's location or circumstances.

HAPN remains committed to removing barriers to care and ensuring that all minor victims receive the medical attention they need without unnecessary delays. SB296 is an opportunity to strengthen healthcare protections for minors, but to do so effectively, it must reflect the full scope of providers who are trained and qualified to deliver these services.

We respectfully urge the committee to pass SB296 with the proposed amendment to adopt provider-neutral language and ensure that all licensed healthcare providers, including APRNs, can deliver these critical services.

Mahalo for your time and consideration.

Respectfully,

Dr. Jeremy Creekmore, APRN
HAPN President



Date: February 4, 2025

To: Senator Brandon Elefante, Chair
Senator Glenn Wakai, Vice-Chair
Members of the Committee on Public Safety and Military Affairs

Senator Joy San Buenaventura, Chair
Senator Henry Aquino, Vice Chair
Members of the Committee on Health and Human Services

From: Lynn Costales Matsuoka, Executive Director *LM*
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony on SB 296
Relating to Minors

Hearing: February 7, 2025, Conference Room 225; 3:10 pm

Good afternoon, Chair Elefante, Vice Chair Wakai and Members of the Committee on Public Safety and Military Affairs

Good afternoon, Chair San Buenaventura, Vice Chair Aquino and Members of the Committee on Health and Human Services:

The Sex Abuse Treatment Center (SATC) submits its testimony in opposition to SB 296 and asks that the bill be deferred until consideration on training and collaboration between the public and private sector can be assured. While we appreciate the intent of the bill to allow minors 14 years and older greater access to medical care following a sexual assault, the bill as proposed does not take into consideration the importance of "forensic" evidence and the processes that follow once evidence is collected.

Currently, Hawai'i has a coordinated system approach to sexual assault survivors, particularly, when seeking medical forensic examinations. These examinations are carefully done, by specialized trained sexual assault forensic examiners (SAFE) or sexual assault nurse examiners (SANE). Not only is there a specific process on how evidence is collected and preserved, but also what happens to the evidence once collected to include preservation, transfer and storage.

Chapter 844G of the Hawai'i Revised Statutes governs the collection, transfer and testing of Sexual Assault Kits and provides for specific mandates on submittal to, and testing by, the crime lab. It also outlines certain victim rights; mandating victims be provided written documentation of those rights. This process was developed in response to public outcry on untested sexual assault kits across the nation.

While this bill is intended to expand access of care to survivors, its impact could be detrimental to survivors and their path of recovery, which for many includes engagement with the criminal justice system. For survivors who may take advantage of the bill's intended purpose, questions could, and will likely arise to include:

- What will happen to my evidence once its collected?
- If I choose to report my sexual assault to police, how will my evidence get transferred to police? What can I expect once I police report?
- Where and how can I access information on the status of testing of my evidence?
- What services are available following the medical exam?
- How much will the exam cost?
- If I choose to not report my sexual assault to police, what will happen to my evidence? Will it be stored? Where and for how long? Will there be costs for storage?
- What if I change my mind, and want to report to police later? What will happen to my evidence then?

For licensed physicians who engage in the collection of evidence as proposed by SB 296, what obligations do they have, if any, once they have the evidence in hand? There is no training requirement on the actual collection, preservation, storage and transfer of forensic evidence collected from the body of a survivor. Nor any training on providing a trauma informed response that includes crisis support, information and referrals for further care, safety planning or support with police reporting options. More important, the bill does not require licensed physicians to provide victims with written documentation of their rights, a minimum requirement that should be met.

Given these concerns, we respectfully ask this bill be deferred until further discussions can be made to ensure victims are preserved and critical support and information are offered as they navigate through an unfamiliar system of care, during a time of heightened vulnerability.

Thank you for your consideration.

SB-296

Submitted on: 1/31/2025 3:08:42 PM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

Should be with the consent of the minor's parent or guardian. I STRONGLY oppose this bill.

SB-296

Submitted on: 1/31/2025 5:13:43 PM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Oppose	Written Testimony Only

Comments:

I stand in **STRONG OPPOSITION** as this proposal seeks to erase parental rights by virtue of a minor child's temporary location and transitory status as well as excuse from liability professionals who should be held to proper parental information and consent.

Having worked in a youth residential care center, there should be **ZERO** sexual offenses occurring while a minor child is in such custody - it is the responsibility of the center and its staff to ensure sexual safety and if violated, it **MUST** be reported to parents as well as authorities!

No victim of sexual assault should be forced to remain in the confines of where the assault occurred and steps must be taken to ensure there are no recurrences. Yes, there will be a lot of unpleasant upset in informing parents of their child's sexual assault while under third party custody but **trying to keep a sexual assault a private matter (aka a SECRET) between a child victim and adult physician is inappropriate, unethical and wrong.**

This bill is ultimately attempting to side-step, override and remove parents' rights which I stand in **STRONG OPPOSITION** to.

SB-296

Submitted on: 2/1/2025 7:52:51 AM

Testimony for HHS on 2/7/2025 3:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Marilyn Yamamoto	Individual	Oppose	Written Testimony Only

Comments:

Senator San Buenaventura and committee members,

Any bill that proposes to bypass parental consent for a minor seeks to undermine the long held fundamental rights of parents. There is currently a federal bill to establish written parental rights in the Constitution, however, those rights to direct the education, MEDICAL CARE, etc. have been upheld by the U.S. Supreme Court for 100 years, per the Parental Rights Foundation. If a child self-reports sexual abuse, a court order is required to conduct a medical examination. There is no need to suggest that minor children have rights to override a parent's lack of consent.

Testimony Presented Before the
Senate Committee on Health and Human Services
and
Senate Committee on Public Safety and Military Affairs
Friday, February 7, 2025, at 3:10 PM
Conference Room 225 & Videoconference

By
Nicholas Vandenraadt, Registered Nurse

TESTIMONY WITH COMMENTS on S.B. 296

Chairs San Buenaventura and Elefante, Vice Chairs Aquino and Wakai, and members of the committees:

Thank you for the opportunity to provide comments on this measure. S.B. 296. This act permits a physician, with the consent of a minor patient who reports being a victim of a sexual offense, to conduct examinations to collect evidence of the offense and to prescribe treatment for any immediate conditions. It also specifies that parental or guardian consent is not required for minors in Hawai'i youth correctional facilities to receive hospital, medical, mental health, dental, emergency healthcare, or emergency surgical care. I would like to add comments to the act and recommend an amendment.

I commend your commitment to safeguarding minors and ensuring they can access healthcare without unnecessary burdens. One requested change to this act that would remain in line with this commitment would be to amend the measure to broaden its language by replacing "physician" with "qualified licensed healthcare provider." This change ensures that highly skilled healthcare professionals, such as Advanced Practice Registered Nurses (APRNs) and Sexual Assault Nurse Examiners (SANEs), can also provide these critical services. SANE nurses undergo specialized training in forensic examinations, trauma-informed care, and evidence collection, making them well-equipped to address the immediate needs of sexual assault survivors.

Restricting care exclusively to physicians limits access, particularly in urgent situations when timely, compassionate care can significantly reduce trauma. APRNs regularly serve communities with physician shortages and are integral to Hawai'i's healthcare system. The Hawai'i State Center for Nursing's ongoing review of Hawai'i Revised Statutes has highlighted how specific statutes inadvertently restrict qualified APRNs and other licensed providers from meeting patient needs, placing undue burden on individuals at their most vulnerable.

By expanding the language to "qualified licensed healthcare provider," we align this measure with HRS 557A on the Legal Capacity of Minors Regarding Medical Care and help ensure minors receive the expedient, expert care they deserve. Thank you for your leadership and for

considering these comments. I strongly urge the committees to adopt this inclusive language so that every minor in need has swift access to the highest standard of care.

Thank you for the opportunity to testify on this important measure.

**Testimony Presented Before the
Senate Committee on Health and Human Services
and
Senate Committee on Public Safety and Military Affairs
Friday, February 7, 2025 at 3:10 PM
Conference Room 225 and videoconference
By
Kristle Leilani Akau RN, BSN
The University of Hawaii, Hilo
School of Nursing**

TESTIMONY WITH COMMENTS on S.B. 296

Chairs San Buenaventura and Elefante, Vice Chairs Aquino and Wakai, and members of the committees:

Thank you for hearing this measure. This measure aims to permits a physician, with the consent of a minor patient who reports being a victim of a sexual offense, to conduct customary and necessary examinations to collect evidence of the offense and to prescribe treatment for any immediate conditions resulting from it. Additionally, specifies that parental or legal guardian consent is not required to authorize hospital, medical, mental health, dental, emergency healthcare, or emergency surgical care for minor offenders committed to Hawai'i youth correctional facilities. **Kristle Akau** provides comments with recommendations for amendments.

Kristle Akau thanks the Legislature for its effort support and protect minors in our state by improving access to care for those who report being a victim of sexual offenses. In addition, **Kristle Akau** recommends that in addition to the physician, this measure be amended to include other qualified healthcare providers to conduct the examination and treat the patient.

The Hawai'i State Center for Nursing (HSCN) has a longstanding initiative to address barriers to Advanced Practice Registered Nurse (APRN) care as a mechanism to improve access to high quality health care services. In 2022, HSCN started an interprofessional effort to review the Hawai'i Revised Statutes for laws that inform healthcare access that are outside of healthcare professionals' scope of practice laws (primarily in Title 25). The committee found that nearly half of the HRS had language that limited all qualified providers from engaging in certain healthcare activities as described in those statutes. Further, HSCN recognizes certain specialties in nursing, like sexual assault nurse examiners (SANE), have specific education and training that make them exceptionally qualified for this measure's particular scope of care. Therefore, in order to optimize the access to care that this measure establishes, where physician appears in this measure, **Kristle Akau** respectfully requests that it be replaced with the below language, which

includes physicians but expands the access to care to the other highly skilled healthcare workforce who may undertake this care:

Physician **Qualified licensed healthcare provider.**

Further, this aligns with the HRS 557A Legal Capacity of Minor Regarding Medical Care.

Kristle Akau commends the Legislature for introducing this measure and for your commitment to the health and safety of minors in our state. Thank you for the opportunity to testify with comments on this measure.

SB-296

Submitted on: 2/6/2025 9:19:51 PM

Testimony for HHS on 2/7/2025 3:10:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry SUPPORT 296 SB RELATING TO MINORS.