

SB538

Measure Title: RELATING TO MENTAL HEALTH.

Report Title: Mental Health Services; Minors; Interns

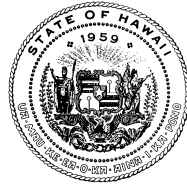
Description: Authorizes mental health professionals under the supervision of a licensed mental health professional to provide mental health treatment or counseling services to minors.

Companion:

Package: None

Current Referral: CPH, JDC

Introducer(s): BAKER, ENGLISH, K. RHOADS, RUDERMAN, Fevella, K. Kahele, Nishihara, Shimabukuro



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony in SUPPORT of SB538
RELATING TO MENTAL HEALTH

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
Hearing Date: January 31, 2019 Room Number: 229

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health supports this bill because it can increase the
3 capacity to provide mental health services for adolescents who may want to receive counseling
4 without having to have permission from a parent or without disclosing their reason for seeking
5 help to a parent. When the original bill changing the age of consent for mental health services to
6 14 was passed by the legislature in the 2016 session, it was a helpful step forward in ensuring
7 that youth who are suffering emotionally can get help. However, it applied only to services
8 provided by licensed mental health professionals. As you may be aware, most of the readily
9 available and low- or no-cost services in Hawaii are provided – not by licensed professionals –
10 but by unlicensed professionals who are in the process of meeting all the requirements for full
11 licensure under the supervision of a licensed professional. This includes interns, practicum
12 students and newer graduates who have not completed all the requisite hours of experience or
13 passed the examination necessary for licensure. In general licensure as a mental health
14 professional of any kind in Hawaii requires at least a year of full-time supervised practice after
15 graduating with the relevant degree. The purpose of this bill is to authorize these mental health
16 professionals working under the supervision of a licensed mental health professional to provide
17 mental health treatment or counseling services to minors without parental consent when this is
18 clinically indicated.

19 This bill is a product of a task force led by the Department of Health (DOH), Child and
20 Adolescent Mental Health Division (CAMHD) as mandated by Act 13, SLH 2018. The task

1 force was comprised of legislators, representatives of health insurers, state agencies, advocates,
2 and community members. A list of task force attendees and a summary of task force findings
3 may be found in the task force's legislative report:

4 https://www.capitol.hawaii.gov/session2019/bills/DC240_.pdf.

5 The task force focused primarily on questions regarding counseling practices with lesbian, gay,
6 bisexual, transgender, questioning (LGBTQ) youth. As detailed in the report, local Hawaii data
7 reveal that homosexual and transgender youth are at significantly heightened risk of substance
8 abuse, mental health difficulties and suicide. These youth often feel alienated from their parents
9 and other family members or fear revealing their struggles around their sexual orientation and/or
10 gender identity to their parents. The ability to find a counselor without having to involve a parent
11 can be especially crucial for these youth.

12 **Offered Amendment:** We would like to offer a friendly amendment to the wording of the bill
13 where it defines “mental health professional,” to clarify and ensure all relevant professions are
14 included. An edited version of that definition is offered below.

15 "Mental health professional" means a person who is working under the supervision of a
16 licensed mental health professional and either: 1) is enrolled in an accredited training
17 program or 2) has completed all licensing requirements except the hours of supervised
18 post-degree experience and/or the examination required for state licensure, for licensed
19 mental health counselors pursuant to chapter 453D, for licensed marriage and family
20 therapists pursuant to chapter 451J, for clinical social workers pursuant to chapter 467E,
21 for psychologists pursuant to chapter 465 or for advanced practice registered nurses
22 pursuant to chapter 457.”

23 Thank you for the opportunity to testify on this bill.

Helping Hawai'i Live Well

To: Senator Rosalyn Baker, Chair, Senator Stanley Chang, Vice Chair, Members, Senate Committee on Consumer Protection and Health

From: Trisha Kajimura, Executive Director

Re: TESTIMONY IN SUPPORT OF SB 538 RELATING TO MENTAL HEALTH

Hearing: January 31, 2019, 9:30 am, CR 229

Thank you for hearing **Senate Bill 538**, which amends Section 577-29 of the Hawaii Revised Statutes to allow mental health professionals meeting specified qualifications working under the supervision of a licensed mental health professional to provide mental health treatment or counseling services to minors age fourteen years or older that the minor provides consent to.

Mental Health America of Hawaii (MHAH) is a 501(c)3 organization founded in Hawai'i 76 years ago, that serves the community by promoting mental health through advocacy, education and service. We support youth mental health in Hawaii through our Youth Suicide and Bullying Prevention Program and through our advocacy work. In 2016 we provided testimony in support of SB 2886 SD2 HD2 CD1 which became Act 181, allowing minors fourteen years or older to consent to their own mental health treatment. Sometimes youth need to talk to a mental health professional but may not feel safe or comfortable asking their parent for consent for a variety of reasons, which may include family violence, sexual abuse, or substance abuse.

Implementation of Act 181 demonstrated the need for this bill so that the range of professionals able to provide this service is broadened to include mental health professionals that are still in the process of licensure and are supervised by a licensed mental health professional. This will allow more staff of community-based organizations and public and private clinics to serve these youth.

In mental health, access to care is everything and we humbly ask you to authorize this change to increase access for youth in these circumstances. Thank you for considering my **testimony in support of SB 538**. Please contact me at trisha.kajimura@mentalhealthhawaii.org or (808)521-1846 if you have any questions.

SB-538

Submitted on: 1/30/2019 8:13:46 AM

Testimony for CPH on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:



January 25, 2019

Senate's Committee on Commerce, Consumer Protection, and Health
Hawaii State Capitol
415 South Beretania Street, Room 229
Honolulu, HI 96813

Hearing: Thursday, January 31, 2019 – 9:30 a.m.

RE: STRONG SUPPORT for Senate Bill 538 – RELATING TO MENTAL HEALTH

Aloha Chair Baker, Vice Chair Chang and fellow committee members,

I am writing in STRONG SUPPORT for Senate Bill 538 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i. SB 538 authorizes mental health professionals under the supervision of a licensed mental health professional to provide mental health treatment or counseling services to minors.

SB 538 stems out of the taskforce that was formed as requirement of Act 13, 2018 which ban conversion therapy for minors. One of the concerns that was raised during the hearings was that by banning conversion therapy LGBTQIA youth would not seek therapy. I am happy to respond, [as shown in the report](#), banning conversion therapy will not stop LGBTQIA youth from seeking therapy.

What the taskforce did find is that we do not have enough licensed mental health professionals for minors in the state of Hawai'i. SB 538 will help fix this shortage of mental health professionals.

The LGBT Caucus of the DPH asks that you support this very important bill as it will help ensure that ALL youth will have access to mental health professionals.

Mahalo nui loa,

Michael Golojuch, Jr.
Chair



Hawai'i Psychological Association

For a Healthy Hawai'i

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Testimony in SUPPORT of SB538
RELATING TO MENTAL HEALTH
WITH A REQUESTED AMENDMENT

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

Thursday, January 31, 2019

9:30 AM

Conference Room 229

State Capitol

415 South Beretania Street

The Hawai'i Psychological Association (HPA) supports SB538 with an important recommended amendment. HPA supports this bill because it is consistent with our interest in ensuring access to quality mental health services to the diverse people of Hawai'i. If passed this bill would help increase the capacity of our public and private mental health systems to provide mental health services for adolescents who are seeking counseling, but who do not want to obtain permission from a parent or do not want to disclose their reasons for seeking help to a parent.

When the original bill changing the age of consent for mental health services to 14 was passed by the legislature in the 2016 session, it was a helpful step forward in ensuring that youth who are suffering emotionally can get help. However, the current statute applies only to services provided by licensed mental health professionals. As you may be aware, most of the readily available and low- or no-cost services in Hawai'i are provided – not by licensed professionals – but by unlicensed professionals who are in the process of meeting all the requirements for full licensure under the supervision of a licensed professional. This includes interns, practicum students, and newer graduates who have not completed all the requisite hours of experience or passed the examination necessary for licensure. In general, licensure as a mental health professional of any kind in Hawai'i requires at least a year of full-time supervised practice after graduating with the relevant degree. The purpose of this bill is to authorize these mental health professionals working under the supervision of a fully licensed mental health professional to provide mental health treatment or counseling services to minors without parental consent when this is clinically indicated.

This bill is a product of a task force led by the Department of Health (DOH), Child and Adolescent Mental Health Division (CAMHD) as mandated by Act 13, SLH 2018. The task force focused primarily on questions regarding counseling practices with LGBTQ youth. These youth often feel alienated from their parents and other family members or fear revealing their struggles around their sexual orientation and/or gender identity to their parents. The ability to find a counselor without having to involve a parent can be especially crucial for these youth. In addition, some youth are reluctant to disclose their concerns to their parents for a wide variety of other reasons, such as undisclosed sexual abuse, substance abuse problems, and situations of high family conflict.

HPA would like to support the amendment to the wording of the bill being recommended by the Department of Health to clarify the definition of a “Mental Health Professional” and ensure all relevant professions are included. We are particularly dismayed that Psychologists as a group were omitted from the text of the bill, apparently by an oversight. We request the following amendment to Section 1 on page 4, lines 1 through 9:

"Mental health professional" means a person who is working under the supervision of a licensed mental health professional and either: 1) is enrolled in an accredited training program or 2) has completed all licensing requirements ~~except the hours of supervised post-degree experience and/or the examination required for state licensure,~~ for licensed mental health counselors pursuant to chapter 453D, for licensed marriage and family therapists pursuant to chapter 451J, for clinical social workers pursuant to chapter 467E, for psychologists pursuant to chapter 465, or for advanced practice registered nurses pursuant to chapter 457."

Thank you for the opportunity to provide input into this important bill.

Sincerely,

Julie Takishima-Lacasa, PhD

Chair, Legislative Action Committee

Hawai'i Psychological Association



92-954 Makakilo Dr. #71, Kapolei, HI 96707 Email: RainbowFamily808@gmail.com Ph: (808) 779-9078 Fax: (808) 672-6347

January 27, 2019

The Honorable Rosalyn Baker, Chair with Stanley Chang, Vice-Chair
and Members on the Senate CPH Committee

RE: SB538 RELATING TO RELATING TO MENTAL HEALTH OF MINORS

Aloha Honorable Chairs, Vice Chairs and Members,

Rainbow Family 808 is a non-profit serving the families of Hawaii with support and advocacy. As Founding President, I lend my Masters Level Social Work experience for the past 18 years to our dedicated volunteers for the benefit for families in need. SB580 is an important step forward to enable the youth of Hawai'i the Mental Health Services that they need to process situations in their lives that untreated will damage their lives in the years ahead.

In these 18 years, I have found that Homeless Youth under the age of 18 fall through the cracks of society due to serious neglect by their parents, families and our community. The Youth need more assistance than they are legally able to access. HB580 will be a very good start at assisting all youth under the age of 18 to receive Mental Health Services that they need at this crucial time in their lives.

Rainbow Family 808 humbly ask that you pass HB580 for the support our Hawai'i's Youth.

Thank you for this opportunity to provide our support for our families.

Sincerely,

Carolyn Martinez Golojuch
President and Co-Founder
Rainbow Family 808

SB-538

Submitted on: 1/26/2019 8:47:13 PM

Testimony for CPH on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Canales	Individual	Support	No

Comments:

Strongly Support

From: David Smoot, Senate District 12

HAWAII STATE SENATE

COMMITTEE ON COMMERCE, CONSUMER PROTECTION & HEALTH
&
COMMITTEE ON JUDICIARY

Testimony supporting Senate Bill 538

Thursday, January 31, 2019

9:30am

Conference Room 229

Aloha Committee Chairs, Vice-Chairs and Committee members.

I'm David Smoot of District 12, and I'm testifying in strong support of SB538 "Mental Health Services; Minors; Interns".

First, I think the public supports our children's mental health services. This bill improves access to services and the professionalism of services delivered.

If the primary opposition to this bill is religious, please note that under this bill, no parent, doctor or mental health professionals are forced to participate if they are opposed.

Other concerns might be related to parental involvement, but I think this bill provides for parental involvement when appropriate.

When I was young, I was troubled by the conflict between my sexual orientation and societal values. I sought mental health counselling from a county mental health clinic and it proved to be very beneficial. I did not require my parent's permission, nor did I want to inform them at the time. I would like this valuable professional counseling to be available to our children without the need to notify parents who may not understand what it's like to be different, or what it's like facing discrimination and bullying.

I urge you to vote to advance SB538 to the floor.

Thank you for the opportunity to show my support for SB538.

Sincerely,
David Smoot

SB-538

Submitted on: 1/27/2019 11:41:48 AM

Testimony for CPH on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen McKee	Individual	Support	No

Comments:

Aloha Senators,

I am writing in Strong Support for Senate Bill 538. Please assist our minors to receive the help they need.

Mahalo,

Eileen McKee

SB-538

Submitted on: 1/26/2019 9:01:41 PM

Testimony for CPH on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Individual	Support	No

Comments:

I strongly support SB538. As a board member of Rainbow Family 808 who takes fresh fruits, produce, milk and other items to Residential Youth Services & Empowerment (RYSE) and Youth Outreach (YO), we need to do everything and anything to assist the youth and this measure needs to be passed.

Thank you for letting state my position.

Mike Golojuch, Sr.

SB-538

Submitted on: 1/27/2019 11:59:38 AM

Testimony for CPH on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joshua Kay	Individual	Support	No

Comments:

In strong support.

SB-538

Submitted on: 1/28/2019 3:26:49 PM

Testimony for CPH on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments:

SB-538

Submitted on: 1/29/2019 9:54:35 AM

Testimony for CPH on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Yabusaki	Individual	Support	No

Comments:

I support this bill. As a licensed mental health professional, I recognize the need for access to mental health services. I have supervised unlicensed counselors seeking licensure and find with close supervision, the service they provide is of high-quality and integrity. I fully support the ability of unlicensed clinicians under the supervision of someone licensed to provide services. Of note, the practice of the unlicensed clinician will fall under the liability of the supervisor.

Sincerely,

Ann S. Yabusaki, Ph.D., MFT

SB-538

Submitted on: 1/30/2019 4:03:08 PM

Testimony for CPH on 1/31/2019 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Onderko	Individual	Support	No

Comments: