

STAND. COM. REP. NO.

1725

Honolulu, Hawaii

APR 12 2007

RE: S.R. No. 138  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam:

Your Committees on Health, Human Services and Public Housing, and Public Safety, to which was referred S.R. No. 138 entitled:

"SENATE RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO CONVENE A TASK FORCE TO ESTABLISH A STATEWIDE POLICY FOR STATE FUNDED PROGRAMS AND SERVICES ON THE USE OF RESTRAINTS AND SECLUSION,"

beg leave to report as follows:

The purpose of this measure is to promote best practices with regard to the use of restraints and seclusion in state funded programs and services.

Specifically, this measure requests the Governor to convene a task force to establish an statewide policy for the use of restraints and seclusion.

Testimony in support of this measure was submitted by the State Council on Developmental Disabilities, the Hawai'i Maternal Child Health Leadership Education in Neurodevelopmental Disabilities and Related Disorders Program at the University of Hawai'i at Manoa, the American Civil Liberties Union of Hawai'i, Center on Disability Studies, Community Alliance on Prisons, Hawaii Disability Rights Center, Hawaii Long Term Care Association, National Alliance on Mental Illness O'ahu, and twelve individuals. Testimony in opposition to this measure was submitted by the Department of Public Safety. Comments on this measure were submitted by the Department of Health, International

2007-2818 SR SSCR SMA.doc



Association of *Nonviolent Crisis Intervention*<sup>®</sup> Certified Instructors, and the Crisis Intervention Institute, Inc.

Your Committees find that given the potential for both physical and mental injuries, the use of restraints and seclusion should be given great care and scrutiny. Your Committees further find that policies and procedures on their use should be clear and consistently implemented.

Your Committees further find that the variety of situations in which the need for the use of restraints or seclusion arise, including the differences in use with adults as opposed to children and institutional verses noninstitutional use may make it impossible to develop a single, statewide policy.

This measure was amended to:

- (1) Request that the Governor serve as the convener of the task force instead of the Director of Health;
- (2) Request the task force to identify alternatives to the use of restraints and seclusion;
- (3) Establish that the purpose of the task force is to ensure that the policies in place are consistently implemented;
- (4) Request an accounting for the differences in use of restraints on adults as opposed to children and the differences in use in institutional settings as opposed to noninstitutional settings;
- (5) Recognize that a single policy may not be possible;
- (6) Clarify the reporting requirements; and
- (7) Amend the title to reflect these changes.

As affirmed by the records of votes of the members of your Committees on Health and Human Services and Public Housing and Public Safety that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 138, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 138, S.D. 1.



Respectfully submitted on  
behalf of the members of the  
Committees on Health and Human  
Services and Public Housing and  
Public Safety,

Suzanne Chun Oakland  
SUZANNE CHUN OAKLAND, Chair


David Y. Ige  
DAVID Y. IGE, Chair

Will Espero  
WILL ESPERO, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

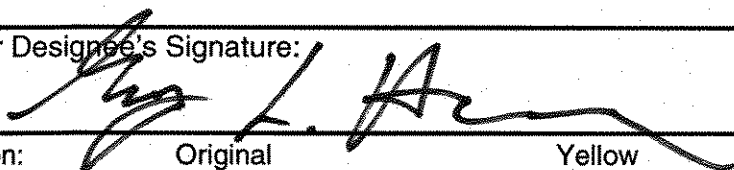
**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:* SR 138	Committee Referral: HTH/HSP/PBS	Date: 4/5/07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
FUKUNAGA, Carol (VC)	✓			
BAKER, Rosalyn H.	✓			
MENOR, Ron				✓
WHALEN, Paul				✓
<b>TOTAL</b>	<b>3</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:             Original             Yellow             Pink File with Committee Report             Clerk's Office             Drafting Agency				

\*Only one measure per Record of Votes

The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

Record of Votes  
 Committee on Human Services and Public Housing  
 HSP

Bill / Resolution No.:* <b>SK 138</b>	Committee Referral: <b>HTH/HSP/PBS</b>	Date: <b>4/5/07</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)				✓
HOOSER, Gary L.	✓			
SAKAMOTO, Norman	✓			
HEMMINGS, Fred	✓			
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:            Original            Yellow            Pink File with Committee Report            Clerk's Office            Drafting Agency				

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The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

Record of Votes  
 Committee on Public Safety  
 PBS

Bill / Resolution No.:* <b>SR138</b>	Committee Referral: <b>HTH/HSP/PBS</b>	Date: <b>4-5-07</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
SAKAMOTO, Norman	✓			
WHALEN, Paul				✓
<b>TOTAL</b>	<b>3</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Clarence K. Nishihara</i>				
Distribution:            Original    Yellow    Pink File with Committee Report    Clerk's Office    Drafting Agency				

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