



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
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In reply, please refer to:
File:

House Committee on Health

H.B. 3148, RELATING TO CONDITIONAL RELEASE

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

February 1, 2008, 8:00 a.m.

1 **Department's Position:** The department strongly supports this Administration-sponsored measure.

2 **Fiscal Implications:** No general fund expenditure. However, there may be impact on Judiciary
3 personnel and expenses.

4 **Purpose and Justification:** This proposal is based on a recommendation by the task force organized as
5 a result of Senate Concurrent Resolution No. 117, Regular Session of 2006.

6 This measure provides statutory guidance and clarification on the seventy-hour (72) hour hold
7 and extended hold process as it relates to patients under Conditional Release (CR) from the Hawaii State
8 Hospital (HSH) or related facility.

9 It is important to understand that Conditional Release revocation is not the same as a 72-hour
10 hold or extended hold. Conditional Release revocation mandates the commitment of an individual back
11 to the custody of the director of health for at least ninety-days, as outlined in Section 704-412, Hawaii
12 Revised Statutes. A 72-hour hold mandates a maximum of 72 hours in DOH care and custody, followed
13 by a hearing at which the court may extend the hold for additional amounts of time. Any extension is
14 considered an extended hold. Courts or treatment teams that may not understand the difference may
15 recommend a CR revocation when a 72-hour hold or extended hold may have addressed the clinical and

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1 supervision needs in a more timely and cost-effective manner. Creating explicit language in the statute
2 should assist in providing this clarification for treatment teams or courts.

3 By promoting the use of 72-hour holds or extended holds, this measure will likely result in
4 decreasing the utilization of bed space at Hawaii State Hospital by those mental health consumers who
5 do not require such prolonged hospitalization otherwise mandated by CR revocation.

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



Testimony to the Twenty -Fourth State Legislature, 2008 Session
House Committee on Health
The Honorable Josh Green, M.D., Chair
The Honorable John Mizuno, Vice Chair

Friday, February 1, 2008, 8:00 a.m.
State Capitol, Conference Room 329

by
Janice Yamada
Adult Client Services Branch Administrator

Bill No. and Title: House Bill No. 3148, Relating to Conditional Release

Purpose: Provides statutory guidance and clarification on the seventy-two (72) hour hold and extended hold process, especially as it relates to patients under Conditional Release (CR) from the State Hospital or related facility.

Judiciary's Position:

The Judiciary supports House Bill No. 3148, which allows the court to order further temporary hospitalization (not to exceed ninety days and subject to extension for no longer than one year) for conditionally-released individuals committed to the hospital for seventy-two hours pursuant to HRS Section 704-413. Many conditionally-released individuals experience the need for re-stabilization in a hospital setting. Adoption of the proposed change would allow the individual to remain in the hospital as long as necessary but would provide the flexibility to hold a hearing whenever appropriate. This flexibility would benefit the mental health consumer, as well as allow the Department of Health to avoid unnecessary utilization of expensive and limited hospital resources. The extended hospitalization would avoid the need for revocation of conditional release in many cases, thereby providing significant time savings for the Judiciary's Adult Client Services Division which must submit affidavits and reports for those revocations. It would also avoid the time and considerable expense of the three-panel (felony) or one-panel (misdemeanor) evaluations required for release following a revocation of Conditional Release. The process still allows for revocation in those cases where extended hospitalization is considered appropriate.

Thank you for the opportunity to provide testimony on this matter.

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COMMITTEE ON HOUSE HEALTH
Rep. Josh Green, MD, Chair
Rep. John Mizuno, Vice Chair

*For House Health Hrg
Friday, 2/1/08 at
8:00 in Rm. 329*

Re: HB 3148, Relating to Conditional Release

SUPPORT

The Hawaii Psychiatric Medical Association (HPMA) submits its testimony in support of HB 3148, Relating to Conditional Release. This bill is the result of the excellent work of the SCR 117 Task Force, chaired by Sen. Baker. The HPMA was represented on this task force by then Hawaii State Hospital Administrator and now current Mental Health Transformation Grant co-director, Rupert Goetz, MD.

The complexity of Hawaii's existing 72-hour hold and extended hold process and what is, explicit and implicit, leaves it open to various interpretations of how the 72-hour hold can be used. This proposed statutory guidance provides better defined guidelines for the judiciary and hospital systems.

Further, HB 3148 clarifies that the 72-hour hold can be continued to be extended. There are some judges who believe after the 72-hour period has passed that the only options are release or immediate revocation which then must be a three to six month institutionalization. Either one of these two options may not be optimal for the patient being considered. Some use this either/or in their decision making, some do not. HB 3148 will clarify to all what are the guidelines and conditions for back-to-back 72 hour holds.

Thank you for your consideration to move this measure forward.

HAWAII PSYCHIATRIC MEDICAL ASSOCIATION

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