

SB3070

Measure Title:
RELATING TO CONDITIONAL RELEASE.

Report Title:
Conditional Release

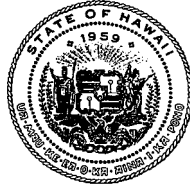
Description:
Provide statutory guidance and clarification on the seventy-two (72) hour hold and extended hold process, especially as it relates to patients under Conditional Release (CR) from the State Hospital or related facility.

Package:
Governor

Companion:
HB3148

Introducer(s):
HANABUSA (BR)

Current Referral:
HTH, JDL



STATE OF HAWAII
DEPARTMENT OF HEALTH
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In reply, please refer to:
File:

Senate Committee on Health

S.B. 3070, RELATING TO CONDITIONAL RELEASE

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

February 11, 2008, 1:15 p.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

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.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME LOCAL 152, AFL-CIO

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The Twenty Fourth Legislature, State of Hawaii
Hawaii State Senate
Committee on Health
Committee on Judiciary and Labor

Testimony by
HGEA/AFSCME, Local 152, AFL-CIO
February 11, 2008

S.B. 3070 - RELATING TO
CONDITIONAL RELEASE

The Hawaii Government Employees Association, Local 152, AFL-CIO supports S.B. 3070. This bill proposes to provide guidance and clarification of the seventy-two (72) hour hold and extended hold process related to patients under conditional release from the Hawaii State Hospital or a related facility.

Currently, a person granted a conditional release is required to follow all prescribed treatments. If this individual's probation officer determines the plan is not to be adhered to, the probation officer may order that the person be hospitalized for a period not to exceed seventy-two (72) hours. This bill allows the court the ability to conduct a hearing at or before the expiration of the seventy-two (72) hour limit to determine if the patient would benefit from further hospitalization. If the court is satisfied, the court may order additional hospitalization for a period not to exceed ninety (90) days. This ninety (90) day period may be further extended but shall not exceed one year.

The language in this bill would protect the public from patients who may need additional hospitalized care after being conditionally released. This bill would also provide the patient additional medical care as needed.

We urge passage of this bill from your committee. Thank you for the opportunity to submit our testimony in support of this bill.

Respectfully Submitted,

Nora A. Nomura
Deputy Executive Director