

JAN 26 2009

S.B. NO. 859

A BILL FOR AN ACT

RELATING TO PERSONS COMMITTED TO THE HAWAII YOUTH CORRECTIONAL FACILITIES OR TO THE CUSTODY OR CARE OF THE EXECUTIVE DIRECTOR OF THE OFFICE OF YOUTH SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this bill is to allow the Hawaii
2 youth correctional facilities and the executive director of the
3 office of youth services to obtain necessary information on
4 youth committed to the facilities quickly, and to use the
5 information for treatment and care of the youth committed to the
6 facilities or to the custody or care of the executive director.

7 SECTION 2. Chapter 352, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§352-___ Provision of confidential information to the
11 Hawaii youth correctional facilities. (a) Notwithstanding any
12 other law to the contrary, otherwise confidential information
13 and documents, including information and documents in the
14 possession of the courts, the department of education, the
15 department of health, and the department of human services,
16 concerning persons committed to the Hawaii youth correctional
17 facilities or to the director's custody or care, shall, upon

1 request by the director or director's designee, be furnished to
2 the facilities and the director, including but not limited to
3 health records and information (including HIV/AIDS records and
4 information), mental health records and information, and social
5 services records and information. The information and documents
6 may be used only by the director and those who work with youth
7 while committed to the facilities or to the director's custody
8 or care, including those employed by the department of human
9 services, the department of health, and the department of
10 education, and contractors retained to provide services to the
11 youth, who need the records or information in order to provide
12 care, safety, treatment, and educational services for the youth.

13 (b) The documents and information may not be disclosed to
14 others who are not providing services to youth who are at the
15 facility, except:

16 (1) To providers contracted by the office of youth
17 services, to the extent determined necessary by the
18 director to provide care and services for the youth,
19 including but not limited to social services,
20 placement, health services, educational services, and
21 mental health services;

S.B. NO. 859

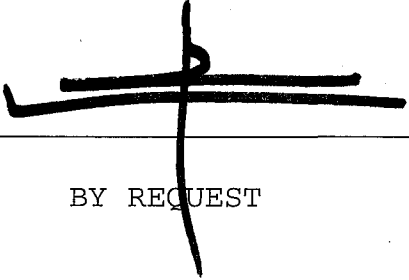
1 (2) To persons duly authorized by the State or the United
2 States in connection with their official duties when
3 such duties are directly connected to the care,
4 treatment and safety of youth committed to the
5 facilities or to the director's custody and care; or
6 (3) As otherwise in accordance with state and federal
7 law."

8 SECTION 3. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

10
11
12

INTRODUCED BY: _____



BY REQUEST

Report Title:

Office of Youth Services; Hawaii Youth Correctional Facilities

Description:

Allows the Hawaii Youth Correctional Facility to obtain necessary information on youth committed to the facility quickly when the youth are admitted, and to use the information for treatment and care within the facility.

SB 859

JUSTIFICATION SHEET

DEPARTMENT: Attorney General.

TITLE: A BILL FOR AN ACT RELATING TO PERSONS COMMITTED TO THE HAWAII YOUTH CORRECTIONAL FACILITIES OR TO THE CUSTODY OR CARE OF THE EXECUTIVE DIRECTOR OF THE OFFICE OF YOUTH SERVICES.

PURPOSE: To allow the Hawaii Youth Correctional Facility (HYCF) to obtain necessary information on youth committed to the facility quickly, and to use the information for treatment and care within HYCF.

MEANS: Add a new section to chapter 352, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Youth who are committed to HYCF need many types of services: medical services, mental health and substance abuse services, educational services, social services, and planning for transition back into the community. It has often been difficult for HYCF to obtain the records and information it needs to provide these services in a timely way. Much of the information is protected by confidentiality laws, so consents or court orders to release the information must be obtained before the information can be transmitted to HYCF staff. This bill will speed the process by allowing necessary health, mental health, and social services information that is otherwise confidential under state law to be transmitted to HYCF, without the need for consent or court order, for the purpose of providing services to committed youth.

Impact on the public: Youth committed to HYCF will receive more timely, informed care and treatment upon admission to HYCF.

Impact on the department and other agencies: The employees and contractors of the Office

of Youth Services, along with employees and contractors of the Departments of Health and Education who serve youth committed to HYCF, will be able to provide care and treatment more quickly and efficiently when youth are admitted to the facility. Other departments and agencies holding confidential information regarding committed youth will not need to obtain consents or court orders to transmit most of the necessary information to HYCF.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: Department of Health; Department of
Education; Judiciary.

EFFECTIVE DATE: Upon approval.