

Honolulu, Hawaii

FEB 16 2012

RE: S.B. No. 2121
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Health and Human Services and Judiciary
and Labor, to which was referred S.B. No. 2121 entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Permit any interested person, as defined under section 334-1, Hawaii Revised Statutes, to file a written petition for emergency admission, under certain conditions;
- (2) Require an independent evaluation of a patient admitted to a licensed psychiatric facility for involuntary hospitalization in certain circumstances;
- (3) Require the Department of Health to establish and implement the crisis response pilot program, under which designated crisis responders will be authorized to conduct investigations and detain persons who are imminently dangerous to self or others or gravely disabled for up to seventy-two hours in a proper facility; and
- (4) Seek a federal Medicaid reimbursement for the maximum federal match to appropriate funds to the Department of Human Services, which shall transfer the funds to the



Department of Health so that it may establish and administer the crisis response pilot program.

Your Committees received testimony in support of this measure from NAMI Hawaii, Kahi Mohala Behavioral Health, and two individuals. Your Committees received testimony in opposition to this measure from two individuals. Your Committees received comments on this measure from the Department of the Attorney General, Department of Health, Hawaii Disability Rights Center, and one individual.

Your Committees find that this measure seeks to ensure that people who need care receive care and that at the same time an individual's rights are respected.

Your Committees request that the funds that this measure proposes to appropriate for the crisis response pilot program be appropriated instead to the Department of Health.

Accordingly, your Committees have amended this measure by:

- (1) Removing part 2, which established the crisis response pilot program and appropriated funds for the pilot program;
- (2) Removing "imminently" from the term "imminently dangerous" and making conforming amendments throughout chapter 334, Hawaii Revised Statutes;
- (3) Adding language to section 334-59, Hawaii Revised Statutes, emphasizing the court's authority to appoint a guardian ad litem for individuals who receive care, at any stage of emergency admission proceedings, pursuant to section 334-82, Hawaii Revised Statutes;
- (4) Adding language to limit the persons who may file a written petition for emergency admission of an individual to persons with a clear and abiding interest in the well-being of the individual for whom care is sought, noting that the intent of this amendment is to limit involvement to persons who have knowledge of or a relationship with, but not necessarily a familial relationship, the individual for whom care is sought; and



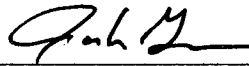
- (5) Inserting an effective date of January 1, 2050, to allow for further discussion.

As affirmed by the records of votes of the members of your Committees on Health and Human Services and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2121, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2121, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Health and Human Services and Judiciary and Labor,



SUZANNE CHUN OAKLAND, Chair



JOSH GREEN, M.D., Chair

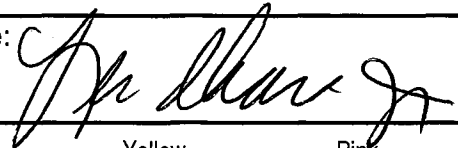


CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* SB 2121	Committee Referral: HTH/HMS/JDL/WAM	Date: 2-6-12		
<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)	✓			
GREEN, M.D., Josh	✓			
SLOM, Sam				✓
TOTAL	3	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

