

Honolulu, Hawaii

MAR 02 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 Committee on Ways and Means, to which was referred S.B. No. 2121, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to ensure that people who need mental health treatment get the treatment they need while ensuring that their rights are protected.

Specifically, this measure:

- (1) Permits any interested person with a clear and abiding interest in the well-being of the individual to file a written petition for emergency admission for commitment to a psychiatric facility;
- (2) Requires an independent evaluation by a psychiatrist or psychologist employed at the licensed psychiatric facility where the patient is admitted for involuntary hospitalization when the licensed physician, physician assistant, or psychologist who directed the admittance is not an employee or an agent of the licensed psychiatric facility;
- (3) Removes the threshold requirement that a person be "imminently dangerous" and replaces it with "dangerous" when a law enforcement officer is making a determination



on whether emergency mental health workers should be contacted; and

- (4) Provides that at any stage of the proceedings, the court may appoint a guardian ad litem for the patient.

Written comments in support of this measure were submitted by Kahi Mohala Behavioral Health; and one private citizen. Written comments in opposition of this measure were submitted by the American Civil Liberties Union of Hawaii. Written comments were submitted by the Hawaii Disability Rights Center.

Your Committee finds that this measure strikes the appropriate balance between providing mental health services to people who need them and protecting the patient's rights in the process.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2121, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,

  
\_\_\_\_\_  
DAVID Y. IGE, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2121, SD1	ATH/HMS/JDL, WAM	2-24-12		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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)	✓			
KIDANI, Michelle N. (VC)		✓		
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani		✓		
ESPERO, Will	✓			
FUKUNAGA, Carol	✓			
KIM, Donna Mercado	✓			
KAHELE, Gilbert	✓			
KOUCHI, Ronald D.	✓			
RYAN, Pohai		✓		
TOKUDA, Jill N.	✓			
WAKAI, Glenn	✓			
SLOM, Sam		✓		
<b>TOTAL</b>	10	4	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
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\*Only one measure per Record of Votes