

Testimony on behalf of the
Office of the Public Defender, State of Hawai'i
to the House Committee on Judiciary

February 7, 2012

RE: H.B. No. 1708, H.D.1: Relating To Mental Health.

Chair Keith-Agaran and Members of the Committee:

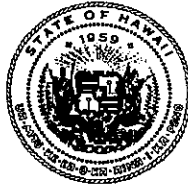
H.B. 1708, H.D. 1 proposes to allow for "actual examination" of a patient by "telemedicine" as part of the proceedings for the involuntary commitment of a person. We do not support this proposal in its present form.

It is important to be reminded that persons who are the subject of involuntary commitment proceedings are people who have not committed a crime, but whose liberty is being taken away because the person may be a danger to themselves or others in the present or near future due to their mental illness.

In general, we believe that the examination leading to such a result should be in person with the examining doctor in the same room as the patient. If there are exigent circumstances such as remote areas where a doctor might not be immediately available, such unique contingencies should be written into this legislation as required circumstances before a "telemedicine" examination can replace personal doctor to patient contact.

Without the requirement for such circumstances, all jurisdictions will begin to do these examinations by "telemedicine" because it is more cost effective than having doctors readily available. It is wrong to take away the liberty of a mentally ill person on such a basis using this type of procedure on a regular basis.

For these reasons, we oppose this legislation as currently written. Thank you for the opportunity to comment on this bill.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

House Committee on Judiciary

H.B. 1708, HD1 Relating to Mental Health

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health**

February 7, 2012

1 **Department's Position:** The Department of Health (DOH) supports this bill.

2 **Purpose and Justification:** This bill authorizes the emergency examination of a patient by
3 telemedicine for the purposes of emergency hospitalization in a psychiatric facility.

4 Telemedicine is a growing area of mental health, especially in rural and underserved areas. The
5 proposed legislation would create another area of use for telemedicine, namely in the emergency
6 examination of an individual delivered for an emergency examination and treatment pursuant to
7 HRS 334-59. This expansion would allow rural and underserved areas to provide for timely assessments
8 of individuals who may require emergency psychiatric hospitalization to be examined by telemedicine,
9 so long as a licensed health care professional is present with the patient. This safeguard allows a live
10 person to be present to assist and render services should that be necessary during the procedure.

11 The department notes the clarification in the committee report and supports the change.

12 Thank you for the opportunity to testify on this bill.



HAWAII MEDICAL ASSOCIATION

1360 S. Beretania Street, Suite 200, Honolulu, Hawaii 96814
Phone (808) 536-7702 Fax (808) 528-2376 www.hmaonline.net

Tuesday, February 7, 2012

2:00 P.M.

Conference Room 325

To: COMMITTEE JUDICIARY
Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair

From: Hawaii Medical Association
Dr. Roger Kimura, MD, President
Linda Rasmussen, MD, Legislative Co-Chair
Dr. Joseph Zobian, MD, Legislative Co-Chair
Dr. Christopher Flanders, DO, Executive Director
Lauren Zirbel, Community and Government Relations

Re: HB 1708 HD 1 RELATING TO MENTAL HEALTH

In Support

Chairs & Committee Members:

The HMA supports this measure as a way to help patients in emergency situations in rural and underserved communities receive the care they need.

The HMA believes that telemedicine is an excellent avenue to provide high quality psychiatric care to underserved populations.

Thank you for the opportunity to testify.

OFFICERS

PRESIDENT - ROGER KIMURA, MD, PRESIDENT ELECT - STEVE KEMBLE, MD
IMMEDIATE PAST PRESIDENT – MORRIS MITSUNAGA, MD, SECRETARY - THOMAS KOSASA, MD, TREASURER –
WALTON SHIM, MD, EXECUTIVE DIRECTOR – CHRISTOPHER FLANDERS, DO