



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

Senate Committee on Ways and Means
S.B. 2681, SD1, Relating to Defendants Committed to
the Custody of the Director of Health

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health
February 28, 2012

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

2 **Fiscal Implications:** The financial implications of this bill are in the decreased expenditures for those
3 individuals who are transferred from DOH facilities to Department of Public Safety (PSD) facilities,
4 although the specific dollar amount is not calculatable at this time.

5 **Purpose and Justification:** The intent of this measure is to provide a mechanism to transfer an
6 individual, who has been committed to the Director of Health as "unfit to proceed" (Hawaii Revised
7 Statutes 704-406) to a setting controlled by the Director of Public Safety in specific circumstances.

8 The bill was drafted to address the situation that arises when an individual committed to the
9 custody of the director has been treated to clinical stability, but continues to need high security. This
10 legislation will allow the transfer of those individuals to an appropriate setting, once their treatment
11 needs have been met.

12 Consultation was done on this bill with PSD both to ensure that the proposed legislation is
13 consistent with that Department's goals and to confirm a mechanism for the coordination of care prior to
14 a transfer.

1 The measure provides for joint planning between the DOH and the PSD on the transfer. The
2 Court of original jurisdiction makes the determination about the transfer. The measure also includes a
3 mechanism to extend a current and valid involuntary order to treat the individual with medication to the
4 correctional institution to continue after the transfer.

5 The proposed legislation will only affect a small number of individuals each year, it is expected
6 to be helpful in improving the safety of Hawaii State Hospital operations and improving the effective
7 utilization of hospital resources.

8 There is no change proposed to the mechanisms currently in place to provide for the return of
9 these individuals back to the Hawaii State Hospital, if their clinical needs change and they do require
10 inpatient hospitalization.

11 This is an important, measured step in improving our continuum of services and supports and
12 will address the next steps in the restructuring and refinement of the State's management of individuals
13 ordered into its custody.

14 Thank you for the opportunity to testify on this measure.