

JAN 23 2014

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# A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1           SECTION 1. The legislature finds that the conditions at  
2 the Hawaii state hospital have increased concerns regarding  
3 hospital worker safety and patient care. Several Hawaii state  
4 hospital employees previously informed the legislature about  
5 their workplace safety concerns, including incidents where  
6 patients assaulted them and caused them to suffer severe head  
7 injuries and post-traumatic stress as a result.

8           On January 7, 2014, the senate committees on health and  
9 judiciary and labor held an informational briefing to receive an  
10 update on the incidents of violence against hospital workers and  
11 information about the spectrum of patients treated at the Hawaii  
12 state hospital. The department of health disclosed that there  
13 were nine assaults on workers in November 2013 that resulted in  
14 physical injury or emotional distress. However, these incidents  
15 did not cause any of the workers to "lose time" at work.

16           The department of health characterized Hawaii state  
17 hospital as a psychiatric treatment facility that experienced a  
18 change in patient demographics due to court-ordered admissions.



1 According to the department, only twenty per cent of those  
2 admitted into the Hawaii state hospital each month meet the  
3 clinical criteria for inpatient psychiatric care. The remaining  
4 eighty per cent of those admitted are diagnosed with antisocial  
5 personalities or other neurocognitive disorders, or are  
6 malingering. In addition to their medical conditions, most  
7 patients also have "co-occurring substance abuse problems".

8 The department of public safety emphasized the differences  
9 between the conditions of those held in correctional facilities  
10 and those housed in the Hawaii state hospital. Inmates held at  
11 correctional facilities are guarded by armed officers while  
12 patients at the Hawaii state hospital are not. Correctional  
13 facilities are statutorily permitted to treat inmates who refuse  
14 medical treatment, while the Hawaii state hospital can only do  
15 so after receiving an order for treatment from the courts. The  
16 department also disclosed that it sent one hundred forty inmates  
17 to the Hawaii state hospital in 2013 for in-patient treatment  
18 and care.

19 The treating physician of the injured workers expressed  
20 concerns to the committees during the same informational  
21 briefing regarding worker safety and wellbeing. After inmates  
22 are transferred to the Hawaii state hospital from correctional



1 facilities, they are no longer inmates under the constant  
2 supervision of guards and are permitted to move freely in the  
3 hospital as patients. The treating physician believed that this  
4 change in environment combined with the frequent substance abuse  
5 issues of admitted patients placed hospital workers at risk for  
6 assault and even death.

7 On January 22, 2014, the senate committees on health and  
8 judiciary and labor held a second informational briefing to  
9 receive additional information about workplace violence at the  
10 Hawaii state hospital. The department of health disclosed that  
11 it took an average of twenty-eight days to obtain an order to  
12 treat. The department of the attorney general further disclosed  
13 that it would be difficult to obtain an order to treat prior to  
14 admission to the Hawaii state hospital.

15 The department of public safety explained that the  
16 department provides the Hawaii state hospital a list of crimes  
17 that each inmate was recently charged with prior to transferring  
18 the inmate to the hospital for in-patient treatment and care.  
19 The department of health and injured hospital workers expressed  
20 that this list was not helpful in assessing a patient's  
21 propensity for violence.



1           Thus, the legislature finds that further measures need to  
2 be taken to ensure the safety and wellbeing of Hawaii state  
3 hospital workers so that they may provide forensic patients with  
4 necessary and appropriate mental health treatment and care. One  
5 viable measure to address the longstanding workplace security  
6 problems at the Hawaii state hospital is designating a portion  
7 of the hospital as a forensic facility. Forensic facilities  
8 provide forensic patients with appropriate mental health  
9 treatment in an environment under higher security measures.

10           The purpose of this Act is to designate a portion of the  
11 Hawaii state hospital as a forensic facility and appropriate  
12 funds to the department of health to cover any necessary  
13 expenses resulting from the designation.

14           SECTION 2. Chapter 334, Hawaii Revised Statutes, is  
15 amended by adding a new section to be appropriately designated  
16 and to read as follows:

17           "§334-       Forensic facility designation; Hawaii state  
18 hospital. A portion of the Hawaii state hospital shall be  
19 designated a forensic facility to assess and treat forensically  
20 committed persons; provided that the Hawaii state hospital shall  
21 continue to meet all applicable licensure and accreditation  
22 requirements."



1 SECTION 3. Section 334-1, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4 "Forensic facility" means a facility that assesses and  
5 treats forensically committed persons."

6 SECTION 4. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$ or so  
8 much thereof as may be necessary for fiscal year 2014-2015 for  
9 the department of health to designate a portion of the Hawaii  
10 state hospital as a forensic facility and cover any necessary  
11 expenses resulting from the designation.

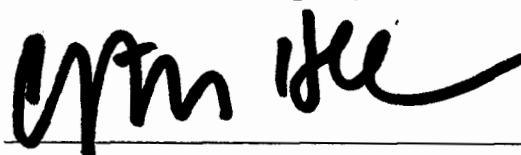
12 The sum appropriated shall be expended by the department of  
13 health for the purposes of this Act.

14 SECTION 5. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on July 1, 2014.

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INTRODUCED BY:



# S.B. NO. 3095

**Report Title:**

Mental Health; Forensic Facility; Hawaii State Hospital;  
Department of Health; Appropriation

**Description:**

Designates a portion of the Hawaii state hospital as a forensic facility. Appropriates funds to the department of health to cover any necessary expenses resulting from the designation.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

