

Honolulu, Hawaii

April 24, 2014

RE: H.B. No. 1723
H.D. 2
S.D. 1
C.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1723, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PSYCHIATRIC FACILITIES,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to, among other things:

- (1) Require the attending physician, in addition to the administrator, of a psychiatric facility to provide notice of intent to discharge a patient or notice of a patient's admission to voluntary treatment;
- (2) Provide that the notice requirements under section 334-60.7, Hawaii Revised Statutes (HRS), apply only to civil commitments that result directly from legal proceedings under chapters 704 and 706, HRS;



- (3) Require that a certificate of service, in addition to the notice of intent to discharge, be filed with the Family Court and served on those persons whom the order of commitment specifies as entitled to receive notice;
- (4) Allow any person entitled to receive notice to waive this right in writing with the psychiatric facility;
- (5) Increase the time, from three to five calendar days of mailing the notice, in which the administrator or attending physician of the psychiatric facility must discharge or accept the patient for voluntary inpatient treatment;
- (6) Require Family Court to conduct a hearing as soon as possible, prior to termination of a current commitment order, to determine if the patient still meets the criteria for involuntary hospitalization;
- (7) Require a person filing an objection to notify the psychiatric facility by telephone on the date the objection is filed; and
- (8) With respect to patients committed on court order from a criminal proceeding, require the administrator of a psychiatric facility to send a notice of intent to discharge or notice of the patient's admission to voluntary inpatient treatment to the prosecuting attorney of the county from which the person was originally committed, by facsimile or electronically.

Upon consideration, your Committee on Conference has amended this measure by:

- (1) With respect to civil commitments that do not result directly from legal proceedings under chapters 704 and 706, HRS, when the administrator or attending physician of a psychiatric facility contemplates discharge of an involuntary patient, authorizing the administrator or attending physician to assess whether an assisted community treatment plan is indicated and, if so indicated, communicate with an aftercare provider as part of discharge planning;



- (2) Specifying that with regard to notice of intent to discharge a patient under this measure, the requirements and procedures apply to Family Court; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1723, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1723, H.D. 2, S.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

Josh Green

JOSH GREEN, Chair

Rosalyn H. Baker

ROSALYN H. BAKER, Co-Chair

Clayton Hee

CLAYTON HEE, Co-Chair

Della Au Belatti

DELLA AU BELATTI, Co-Chair

Karl Rhoads

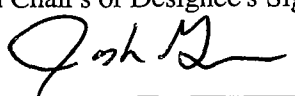
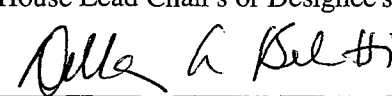
KARL RHOADS, Co-Chair



Hawaii State Legislature

Record of Votes of a
Conference Committee

CCR 39-14

Bill / Concurrent Resolution No.: HB 1723, HD 2, SD 1					Date/Time: 4/24/2014 2 ³⁸ pm				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
GREEN, Josh, Chr.	✓				BELATTI, Della Au, Co-Chr.	✓			
BAKER, Rosalyn H., Co-Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
HEE, Clayton, Co-Chr.	✓				CARROLL, Mele				✓
RUDERMAN, Russell E.	✓				FUKUMOTO, Beth	✓			
SLOM, Sam				✓					
TOTAL	4	-	-	1	TOTAL	3	-	-	1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
Distribution:				Original	Yellow	Pink	Goldenrod		
				File with Conference Committee Report	House Clerk's Office	Senate Clerk's Office	Drafting Agency		