

Honolulu, Hawaii  
February 14, 2014

RE: H.B. No. 1723  
H.D. 1

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

Sir:

Your Committee on Health, to which was referred H.B. No. 1723 entitled:

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

begs leave to report as follows:

The purpose of this measure is to amend the procedures for the discharge of a patient from a psychiatric facility following a civil commitment. Specifically, this measure:

- (1) Clarifies that the notice requirements of section 334-60.7, Hawaii Revised Statutes, only apply to civil commitments as a result of fitness to proceed hearings under chapters 704 and 706, Hawaii Revised Statutes;
- (2) Specifies that notice be mailed to the person's last known address; and
- (3) Requires the court to conduct a hearing prior to the termination of a standing commitment order within 72 hours of receiving a written objection to the discharge of a patient.

The Department of Health; Healthcare Association of Hawaii; Queen's Health Systems; and United Public Workers, AFSCME, Local 646, AFL-CIO (UPW) testified in support of this measure. The Department of the Attorney General; State of Hawaii Judiciary; and Hawaii Health Systems Corporation provided comments.

HB1723 HD1 HSCR HLT HMS 2014-1936



Your Committee has amended this measure by:

- (1) Clarifying that notice, with a certificate of service, for individuals committed through a civil proceeding shall be filed with the family court and by mail for persons entitled to received notice pursuant to the order of commitment, at their last known address;
- (2) Specifying that the prosecuting attorney of the county from which the person was originally committed shall receive courtesy notice of intent to discharge or notice of patient's admission to voluntary treatment for individuals committed through both criminal and civil proceedings;
- (3) Clarifying that the five-day limit for filing an objection is referring to calendar days;
- (4) Changing the requirement that a hearing be conducted upon receiving written objection from a within 72 hour to an "as soon as possible" standard; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1723, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1723, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,

  
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DELLA AU BELATTI, Chair



**Record of Votes of the Committee on Health**

<b>Bill/Resolution No.:</b> <i>HB 1723</i>	<b>Committee Referral:</b> <i>HLT, JUD</i>	<b>Date:</b> <i>2/12/14</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. BELATTI, Della Au (C)	✓			
2. MORIKAWA, Dee (VC)	✓			
3. CARROLL, Mele				✓
4. CREAGAN, Richard	✓			
5. HASHEM, Mark J.	✓			
6. JORDAN, Jo	✓			
7. KOBAYASHI, Bertrand	✓			
8. OSHIRO, Marcus R.				✓
9. WOODSON, Justin H.	✓			
10. MATSUMOTO, Lauren Kealohilani	✓			
<b>TOTAL (10)</b>	<b>8</b>			<b>2</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
<b>Vice Chair's or designee's signature:</b> <i>[Signature]</i>				
<b>Distribution:</b> Original (White) -- Committee            Duplicate (Yellow) -- Chief Clerk's Office            Duplicate (Pink) -- HMSO				