

Honolulu, Hawaii

MAR 21 2014

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

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

Madam:

Your Committees on Health and Commerce and Consumer Protection, to which was referred H.B. No. 1723, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to streamline the notification process prior to the discharge of a patient civilly committed. Specifically, this measure:

- (1) Requires the administrator or attending physician of a psychiatric facility to provide notice of intent to discharge a patient or notice of the patient's admission to voluntary treatment;
- (2) Applies section 334-60.7, Hawaii Revised Statutes, to only civil commitments as a direct result of legal proceedings;
- (3) Requires the notice of intent to discharge or patient's admission to voluntary treatment to be served by mail to the appropriate prosecuting attorney and to any person entitled to receive notice at the person's last known address, unless the person waives this right in writing;
- (4) Increases from three to five days the period of time after mailing of the notice within which an objection must be filed or the administrator or attending



physician shall discharge or accept the patient for voluntary inpatient treatment; and

- (5) Requires courts to conduct hearings as soon as possible, and prior to the termination of the current commitment order, to determine if the patient still meets the criteria for involuntary hospitalization.

Your Committees received testimony in support of this measure from the Department of Health; Healthcare Association of Hawaii; Department of the Prosecuting Attorney, City and County of Honolulu; The Queen's Health Systems; and one individual.

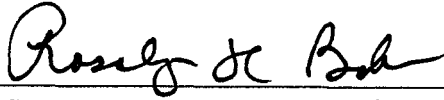
Your Committees find that patients are remaining involuntarily committed to hospitals due to the difficulty of obtaining a court hearing and order, even after the patient is ready to be discharged. Your Committees further find that while these patients remain involuntarily committed, hospitals are forced to use precious resources that could serve other patients in need. This measure streamlines the notification process prior to discharge of a patient civilly committed after initially being committed pursuant to criminal statutes, allowing for a simplified discharge process while safeguarding the right of individuals who require notification of the patients' discharge to object.

Your Committees have amended this measure by making the measure effective upon approval.

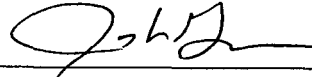
As affirmed by the records of votes of the members of your Committees on Health and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1723, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1723, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committees on Health and
Commerce and Consumer
Protection,



ROSALYN H. BAKER, Chair



JOSH GREEN, Chair



