

Honolulu, Hawaii

APR - 1 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 Committee on Judiciary and Labor, to which was referred  
H.B. No. 1723, H.D. 2, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (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) Establish that the notice requirements under section 334-60.7, Hawaii Revised Statutes, apply only to civil commitments as a direct result of legal proceedings under chapters 704 and 706, Hawaii Revised Statutes;
- (3) Require that the notice of intent to discharge and a certificate of service be filed with the Family Court, served by mail to the person's last known address, and sent to the prosecuting attorney of the county from which the person was originally committed, by facsimile or electronically, for the sole purpose of victim notification;



- (4) Allow any person specified as entitled to receive notice to waive this right in writing with the psychiatric facility;
- (5) Increase from three days to five calendar 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;
- (6) Require 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;
- (7) Require a person filing an objection to notify the psychiatric facility by telephone on the date of the filing of the objection; and
- (8) Amend section 334-76, Hawaii Revised Statutes, to require an administrator of a psychiatric facility, with respect to patients committed on court order from a criminal proceeding, to send a notice of the intent to discharge or patient's admission to voluntary inpatient treatment to persons entitled to receive notice, by mail at their last known address, and to the prosecuting attorney of the county from which the person was originally committed, by facsimile or electronically.

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

Your Committee finds 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 Committee further finds 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, while safeguarding the right of individuals who require notification of the patients' discharge to object.



As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1723, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



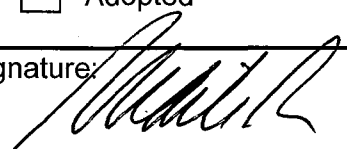
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CLAYTON HEE, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.::* <b>HB 1723, H2 SD1</b>	Committee Referral: <b>HTH/CPN, JDL</b>	Date: <b>3/25/14</b>
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
	Nay	Excused
HEE, Clayton (C)	✓	
SHIMABUKURO, Maile S.L. (VC)	✓	
GABBARD, Mike	✓	
GALUTERIA, Brickwood		✓
IHARA, Jr., Les	✓	
SOLOMON, Malama		✓
SLOM, Sam		✓
<b>TOTAL</b>	<b>4</b>	<b>3</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 		
<b>Distribution:</b>	Original File with Committee Report	Yellow Clerk's Office
	Pink Drafting Agency	Goldenrod Committee File Copy

\*Only one measure per Record of Votes