

Honolulu, Hawaii
February 28, 2014

RE: H.B. No. 2302
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2302, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BEHAVIORAL SUPPORT REVIEW OF RESTRAINTS AND SECLUSION,"

begs leave to report as follows:

The purpose of this measure is to authorize the Department of Health to conduct multidisciplinary and multiagency behavioral support reviews of restraints or seclusion used on persons with developmental or intellectual disabilities. Further, this measure authorizes the disclosure, use, and review of relevant information that may otherwise be prohibited based on privacy or confidentiality concerns and limits civil and criminal liability of agencies and individuals participating in behavioral support reviews for the use or review of information, records, and activities.

The Department of Health; State Council on Developmental Disabilities; United Public Workers, AFSCME, Local 646, AFL-CIO; and a few concerned individuals testified in support of this measure. The Hawaii Association for Justice provided comments.

Your Committee has amended this measure by:

- (1) Adding definitions for "developmental period" and "residential support services";



- (2) Clarifying the immunity language by specifying that agencies and individuals participating in an authorized review shall not be civilly or criminally liable for providing information regarding the restraint or seclusion of a person with developmental or intellectual disabilities for purposes of the authorized review; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2302, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2302, H.D. 2.

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



KARL RHOADS, Chair



