

STAND. COM. REP. NO. 2044

Honolulu, Hawaii

FEB 03 2014

RE: S.B. No. 2352  
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 S.B. No. 2352 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 require:

- (1) 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) The notice of intent to discharge a patient or notice of a patient's admission to voluntary treatment to be sent only for civil commitments as a direct result of legal proceedings;
- (3) Notice to be served by mail at the person's last known address;
- (4) Persons entitled to receive notice to be allowed to waive the right in writing with the psychiatric facility; and
- (5) Courts to conduct hearings within seventy-two hours, and prior to the termination of a current commitment, 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; Department of the Prosecuting Attorney, City and County of Honolulu; Healthcare Association of Hawaii; Hawaii Association of Professional Nurses; The Queen's Health Systems; E Malama Kakou; and Hawaii Pacific Health. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Judiciary, State of Hawaii and Hawaii Health Systems Corporation.

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 pursuant to criminal statutes, thereby 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:


- (1) Expanding the notice requirements to apply to all civil commitments as a direct result of legal proceedings under chapters 704 and 706, Hawaii Revised Statutes; and
- (2) Requiring notice to be served on the appropriate prosecuting attorney in addition to persons entitled to receive notice pursuant to the order of commitment.

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 S.B. No. 2352, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2352, 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,

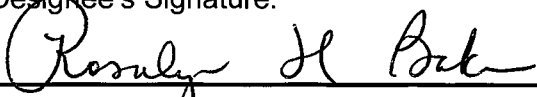
  
\_\_\_\_\_  
ROSALYN H. BAKER, Chair

  
\_\_\_\_\_  
JOSH GREEN, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

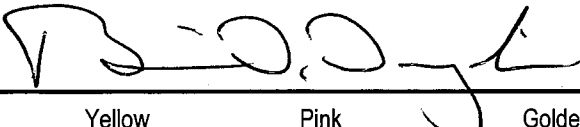
**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2352	HTH/CPN, JDL	1/28/14		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, M.D., Josh (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
NISHIHARA, Clarence K.				✓
SLOM, Sam	✓			
<b>TOTAL</b>	4	-	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:            Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2352	HTH/CPN, JDL	1/28/14		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
NISHIHARA, Clarence K.				✓
WAKAI, Glenn	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes