

Honolulu, Hawaii

APR 25 2013

RE: S.B. No. 310
S.D. 2
H.D. 2
C.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 310, S.D. 2, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH TREATMENT,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Establish an assisted community treatment program in lieu of the involuntary outpatient treatment program for severely mentally ill individuals who meet specified criteria; and
- (2) Amend procedures for determination of order to and discharge from a treatment program.

Your Committee on Conference finds that there are serious problems of high incarceration and hospitalization rates of those



with severe mental illness. Assisted community treatment provides an opportunity for people with serious mental illness to be treated in the least restrictive setting and reduces the trend toward criminalizing mental illness.

Your Committee on Conference further finds that obtaining and analyzing information from providers about persons under assisted community treatment is beneficial for providers and people with serious mental illness.

Your Committee on Conference has amended this measure by:

- (1) Deleting language that would have created a new section related to confidentiality of records, files, and orders for assisted community treatment;
- (2) Inserting language that subjects an order for assisted community treatment to the provisions of the Health Care Privacy Harmonization Act, codified as chapter 323B, Hawaii Revised Statutes;
- (3) Deleting language that would have required the State to reimburse a private hospital for services rendered to a subject of a petition who is uninsured;
- (4) Specifying that the subject of an order is fully discharged from assisted community treatment if no objection is filed prior to the intended date of discharge, rather than within five days of the mailing of notice;
- (5) Inserting language that requires treating providers wishing to file a petition for assisted community treatment to gather information related to MH-1s and hospitalization of persons who are under an order to treat;
- (6) Inserting language that requires an entity designated by the Department of Health to gather information from treating providers related to MH-1s and hospitalization of persons who are under an order to treat and submit an annual report to the Legislature no later than twenty days prior to the convening of every regular session beginning with the Regular Session of 2015;
- (7) Changing the effective date to January 1, 2014;



- (8) Inserting a repeal date of July 1, 2020;
- (9) Inserting language that prohibits state-operated providers from filing a petition for assisted community treatment until after July 1, 2015;
- (10) Inserting language that allows any private provider wishing to file a petition for assisted community treatment to do so after January 1, 2014; provided that the provider uses its own resources and the petitioner is to be the designated mental health program;
- (11) Inserting language that allows any interested party wishing to file a petition for assisted community treatment to do so after January 1, 2014; provided that the party uses its own resources and the designated mental health program is a private provider; and
- (12) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 310, S.D. 2, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 310, S.D. 2, H.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

Della A. Belatti

DELLA AU BELATTI, Co-Chair

Josh Green

JOSH GREEN, Chair

Henry J.C. Aquino

HENRY J.C. AQUINO, Co-Chair

Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Co-Chair

Karl Rhoads

KARL RHOADS, Co-Chair

Clayton Hee

CLAYTON HEE, Co-Chair



Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 310, SD 2, HD 2	Date/Time: 4/25/13 2201
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
GREEN, Josh, Chr.	✓				BELATTI, Della Au, Co-Chr.	✓			
CHUN OAKLAND, Suzanne, Co-Chr.	✓				AQUINO, Henry J.C., Co-Chr.				✓
HEE, Clayton, Co-Chr.				✓	RHOADS, Karl, Co-Chr.	✓			
IHARA, Les, Jr.	✓				JORDAN, Jo	✓			
SLOM, Sam				✓	FUKUMOTO, Beth	✓			
TOTAL	3	0	0	2	TOTAL	4	0	0	1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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