

STAND. COM. REP. NO. 1620

Honolulu, Hawaii

April 5, 2013

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

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 310, S.D. 2, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to amend provisions of Chapter 334, part VIII, to establish an assisted community treatment program to better serve individuals with severe mental illness and to reduce the hospitalization and incarceration of persons with severe mental illness.

The State Council on Mental Health, PHOCUSED, Catholic Charities Hawaii, Hawaii Catholic Conference, the Hawaii Substance Abuse Coalition, Institute for Human Services, Mental Health America of Hawaii, National Alliance on Mental Illness Hawaii State, Chapter, Waikiki Health Center, and several concerned individuals submitted testimony in support of the measure. The Office of the Public Defender, Honolulu Police Department, and a concerned individual opposed this measure. The Department of the Attorney General, the Department of Public Safety, the Department of Health, Community Alliance for Mental Health, United Self Help, Hawaii Disability Rights Center, The Queen's Health Systems, and two concerned individuals provided comments.



Your Committee notes that although it has amended this measure by inserting an effective date of July 1, 2050, the Department of Health's requested effective date of July 1, 2015, for this measure is appropriate.

Your Committee has amended this measure by:

- (1) Incorporating the Attorney General's recommended amendments to generally clarify the criteria and processes for orders to obtain assisted community treatment and for discharge from or retention in a treatment program;
- (2) Including a confidentiality provision to specify that the records, files, and court orders relating to any individual subject to the assisted community treatment program established by this measure are protected by specified confidentiality protections contained in state and federal law;
- (3) Including a requirement that the State shall reimburse private hospitals for services provided to uninsured subjects of an order to assisted community treatment; and
- (4) Making technical, nonsubstantive amendments, including conforming amendments to various statutory sections, 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 S.B. No. 310, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 310, S.D. 2, H.D. 2.

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



KARL RHOADS, Chair



