



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Senate Committees on Health, Commerce and Consumer Protection

SB2352, Relating to Psychiatric Facilities

**Testimony of Gary L. Gill
Acting Director of Health**

Tuesday, January 28, 2014, 8:30 a.m., Room 229

1 **Department's Position:** The Department of Health (DOH) supports this bill.

2 **Fiscal Implications:** None.

3 **Purpose and Justification:** The purpose of the bill is to modify the general notification requirements
4 that the patient is ready for discharge under Hawaii Revised Statutes (HRS) 334-60.7.

5 The DOH supports this bill as it streamlines the notification process prior to discharge of a
6 patient civilly committed pursuant to criminal statutes, allowing for a simplified discharge process while
7 safeguarding the right of individuals who require notification of the patients' discharge to object.

8 The DOH respectfully recommends that HRS 334-60.7, lines 14-16, page 1, be changed to read:

9 This section shall only apply to civil commitments as a direct result of legal proceedings under chapters
10 704 and 706.

11 Thank you for the opportunity to provide testimony on this bill.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
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**THE HONORABLE JOSH GREEN, CHAIR
SENATE COMMITTEE ON HEALTH**

**THE HONORABLE ROSALYN H. BAKER, CHAIR
COMMITTEE ON COMMERCE AND CONSUMER PROTECTION**

**Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawai`i**

January 28, 2014

RE: S.B. 2352; RELATING TO PSYCHIATRIC FACILITIES.

Chairs Green and Baker and members of the Senate Committees on Health and Commerce and Consumer Protection, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in **support** of Senate Bill 2352, **with amendments**.

The purpose of this bill is to limit the requirements in H.R.S. Section 334-60.7 regarding notice of intent to discharge a patient or admit them to voluntary hospitalization so that it applies only to civil commitments that are a direct result of legal proceedings under H.R.S. Sections 704-406 and 706-607. We support that concept as properly narrowing notices to those cases generated by criminal prosecutions. However, we note that there has been some ambiguity about whether the Prosecuting Attorney is entitled to receive notifications in all commitments under these two sections. We propose to address the confusion by amending the language of the bill as provided below:

c. The notice shall be filed with the court and served [~~personally or by certified mail~~] by mail on the Prosecuting Attorney and on those persons whom the order of commitment specifies as entitled to receive notice.

For the reasons cited above, the Department of the Prosecuting Attorney of the City and County of Honolulu **supports** S.B. 2352 **with the amendments proposed above**. Thank you for the opportunity to testify on this matter.

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S.B. 2352

Relating to Psychiatric Facilities

Senate Committee on Health

Senate Committee on Consumer Protection

January 27, 2014, 1:30pm

Under 334-59 HRS, when the Honolulu Police Department detains a person who displays substance abuse or mental illness, and is a danger to self or others, the HPD officer is directed to contact the DOH designee, an HPD Psychologist. The HPD psychologist, via a verbal phone call by the HPD officer on the scene, determines if the person is in need of an emergency mental exam or if the person should be sent to the cellblock for criminal charges. If the person is determined to need a mental health exam, HPD transports the person to one of the MH1-hospitals, as designated by DOH, including QMC. If it is determined the person is in need of involuntary hospitalization, the court is petitioned by the AGs (in conjunction with the hospital) and the court will civilly commit the patient for up to 90 days to one of the licensed psychiatric facilities. This entire process is laid out in statute. It does not forensically encumber the individual. The person is not charged with any crime, at any time.

Often, the attending physician at the licensed psychiatric facility (ie. Queens and Castle) determines that the committed individual is ready to be discharged prior to the expiration of the ninety-day commitment order. However, the hospital cannot discharge the person until the extensive and time consuming requirements of section 334-60.7, Hawaii Revised Statutes, are met. The current process has been known to take upwards of two weeks. Unlike the commitment process, the entire discharge process is initiated and completed by the hospital facility staff and legal department, with no assistance by the Attorney General.

This proposed legislation, developed in collaboration with the Department of Health and the Department of the Attorney General, would exempt discharges of civil commitment patients from section 334-60.7, allowing the discharge of strictly non-forensic, civilly committed patients where the attending physician determines that the person is ready for release. The patient will be discharged with a discharge plan, including care coordination, but the prolonged delay in discharge caused by the current statute would be remedied. This will benefit the patient who no longer requires treatment in a restrictive environment like a hospital setting as well assisting the hospitals in bed space management in appropriately opening of bed space for a new patient who needs hospitalization.

Additionally, HAH's proposed legislation would alter the notice of discharge requirements for persons committed under sections 704-406 (Effect of finding of unfit to proceed) and 707-607 (civil commitment in lieu of prosecution), by allowing the attending physician to issue such order, and would also change notice and hearing requirements under the statute, which, too, will assist facilities like HSH and Kahi Mohala (under contract with HSH) to discharge its 704-406 and 707-607 encumbered patients in a more efficient manner, but still maintain requirements to inform interested parties of the patient's impending release.

Thank you for the opportunity to testify in support of SB 2352.



55 Merchant Street
Honolulu, Hawai'i 96813-4333

HAWAI'I PACIFIC HEALTH
Kapi'olani • Pali Momi • Straub • Wilcox

808-535-7401
www.hawaiipacifichealth.org

Tuesday – January 28, 2014 – 8:30am
Conference Room 229

SENATE COMMITTEE ON HEALTH

Senator Josh Green, Chair
Senator Rosalyn H. Baker, Vice Chair

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

Senator Rosalyn H. Baker, Chair
Senator Brian T. Taniguchi, Vice Chair

Re: Testimony in Support
SB 2352 — Relating to Psychiatric Facilities

My name is Michael Robinson, Executive Director, Government Relations for Hawai'i Pacific Health (HPH). HPH is a nonprofit health care system and the state's largest health care provider anchored by its four nonprofit hospitals: Kapi'olani Medical Center for Women & Children, Pali Momi Medical Center, Straub Clinic & Hospital and Wilcox Memorial Hospital on Kauai. HPH is committed to providing the highest quality medical care and service to the people of Hawai'i and the Pacific Region through its four affiliated hospitals, 49 outpatient clinics and service sites, more than 5,400 employees and 1,300 physicians on staff.

We are writing in support of SB 2352 which would alter the discharge process for mental health patients being cared for in Hawaii's hospitals by (1) allowing hospitals to discharge civil commitment patients without a court order once a physician has determined them ready for discharge; and (2) changing notice and hearing requirements for discharge petitions relating to patients committed under sections 704-406 and 706-607.

Although none of the affiliated hospitals of Hawai'i Pacific Health is a licensed psychiatric facility, we support this and all measures that work toward removing regulatory barriers which may hinder the ability of patients to be placed in the most appropriate care environment they require. This bill will also expand community licensed psychiatric bed capacity which we rely upon to meet the needs of our patients requiring treatment for severe psychiatric conditions.

We ask for your help and support in passing SB 2352 from this committee. Thank you.



From: diabeatit@aol.com
To: [HTHTestimony](#)
Subject: Support SB2352
Date: Monday, January 27, 2014 9:09:39 AM

SB2352

Submitted on: 1/27/2014

Testimony for HTH/CPN on Jan 28, 2014 08:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Lynda Hirakami	E Malama Kakou	Support	No

Comments: Aloha Senator Josh Green, Chair, Senator Rosalyn H. Baker, Vice Chair, and members of the Senate Committee on Health, Senator Rosalyn H. Baker, Chair, Senator Brian T. Taniguchi, Vice Chair, and members of the Senate Committee on Commerce and Consumer Protection. Mahalo for the opportunity to testify in STRONG SUPPORT of SB2352, which would require notifications to relevant parties on the discharge of a mental patient. My only additional comment is to urge the use of provider neutral language in place of "physician." HSH has plans to utilize PMH APRNs to fill psychiatrist positions at their facility, and Castle Medical Center will be recruiting PMH APRNs as hospitalists in the near future. Kahi Mohala Hospital has already utilized APRNs as medical staff in the recent past. It is wise to not exclude these providers in this bill. Again, mahalo for this opportunity to testify in STRONG SUPPORT of SB 2352, and mahalo for all you do to protect and support the citizens of this great state.

Lynda Hirakami

APRN-RX Family Nurse Practitioner
E Malama Kakou Family Practice
15-3014 Pahoia Village Rd
Pahoia, HI 96778
(808) 938-9105

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: thirr33@gmail.com
Subject: Submitted testimony for SB2352 on Jan 28, 2014 08:30AM
Date: Monday, January 27, 2014 6:22:47 PM

SB2352

Submitted on: 1/27/2014

Testimony for HTH/CPN on Jan 28, 2014 08:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Arvid Tadao Youngquist	Individual	Oppose	Yes

Comments: Chair, Sen. Josh Green, Senate HTH Committee Chair, Sen. Rosalyn Baker, Senate CPN Committee Right Honorable Members of Both Committees I basically oppose SB 2352 Relating to Psychiatric Facilities. In terms of commitment and discharge, the professional concerns may be well-intentioned. But, I have some objections. On the one hand it is expanding response time from 3 days notice to 5 days, but dilutes the rights of the patients and/or loved ones to no longer be "served" with the notice, but merely "mailed". It does not actually give two extra days time to respond proactively, nor responsibly. What if the individuals concerned are in the process of relocation, on vacation, out of town? Does the patient or his/her loved going to be taken out of the equation? Another point of contention, is the waiver of rights. Who is the right to do so going to exercise this power? The guardian of the patient or the guardian of the property, a spouse, loved one, or the individual? What if the patient is not "competent" enough to make the judgment of making such a decision to waive his/her rights to be discharged or committed. Of is temporarily "incompetent" to make such a long-term yes-no decision? What are we trying to streamline? The facilities' operations? Or the family's ease in getting a patient committed? This measure is one of the few I would opine that some amendment in the language may be in order. Thank you for the cosponsors on both of your Committees. There is an actual "need" for some additional safeguards and "reform". Your initiative is recognized. Arvid T. Youngquist Registered Voter, CD1 U.S. House District 1725-F Perry Street Honolulu, HI 96819

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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The Judiciary, State of Hawaii

**Testimony to the
Senate Committee on Health**
Senator Josh Green, Chair
Senator Rosalyn H. Baker, Vice Chair

Senate Committee on Commerce and Consumer Protection
Senator Rosalyn H. Baker, Chair
Senator Brian T. Taniguchi, Vice Chair

Tuesday, January 28, 2014, 8:30 a.m.
State Capitol, Conference Room 229

WRITTEN TESTIMONY ONLY

by

R. Mark Browning
Senior Judge, Deputy Chief Judge
Family Court of the First Circuit

Bill No. and Title: Senate Bill No. 2352, Relating to Psychiatric Facilities.

Purpose: Proposes amendment to HRS section 334-60.7, notice of intent to discharge.

Judiciary's Position:

The Judiciary respectfully offers the following observations regarding procedural matters for those hearings to be held at the Family Court.

1. This bill allows discharge of a patient if no objections are filed within 5 days of the mailing of the notice. The language of the bill raises these questions: (a) Who memorializes the mailing and its receipt? (b) How is "mailing" defined—when the doctor drops the notice in a mailbox, the post office, or when it has been actually delivered? (c) Is this notice made in the context of a case proceeding? If so, does the notice have to refer to the case? (d) Is "5 days" to

be treated as 5 working days? (e) With whom is the objection "filed?" (f) If the objection is filed with the court, how will the hospital or the doctor know about it?

2. Is there anywhere a provision that requires the notice to be given a minimum number of days before discharge/voluntary commitment?

3. With all of these uncertainties, the court may not be able to provide the hearing within the time required in the bill. Currently, out of respect for the patients and to support medical facilities' need to conserve use of staff, the Family Court of the First Circuit holds mental health hearings at the Hawaii State Hospital and Queen's Medical Center. The bill's 72 hour hearings can only be accommodated by having the hearings at the Ronald T. Y. Moon Kapolei Courthouse.

Thank you for the opportunity to provide written comments on this matter.

From: mailinglist@capitol.hawaii.gov
To: [HTHTestimony](#)
Cc: teresa.parsons@hawaii.edu
Subject: Submitted testimony for SB2352 on Jan 28, 2014 08:30AM
Date: Tuesday, January 28, 2014 1:06:48 PM

SB2352

Submitted on: 1/28/2014

Testimony for HTH/CPN on Jan 28, 2014 08:30AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa Parsons	Individual	Support	No

Comments: Honorable Senators, I applaud you for introducing such an important bill to aid in notification of intent to discharge involuntary commitment psychiatric patients. I support this bill and urge the committee to pass this bill and forward to the Senate for a vote. Mahalo for the time to comment on this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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