

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

In reply, please refer to:
File:

Senate Committee on Ways and Means

SB3095, Relating to Mental Health

Testimony of Lynn N. Fallin
Deputy Director, Behavioral Health Administration
Tuesday, February 25, 2014, 9:20 a.m., Room 211

1 **Department's Position:** The Department of Health (DOH) supports the intent of this measure provided
2 that its passage does not detract from or adversely impact the priorities indicated in the Administration's
3 proposals.

4 **Fiscal Implications:** Undetermined at this time.

5 **Purpose and Justification:** The bill proposes to designate a portion of the Hawaii State Hospital
6 (HSH) as a forensic facility and appropriates funds to the DOH to cover any necessary expenses
7 resulting from the designation. We believe this bill aligns and fits well with the efforts underway
8 through the Governor's Special Action Team and addresses concerns discussed in the 2014 legislative
9 hearings regarding the safety of all at HSH.

10 The DOH acknowledges the concerns of this bill regarding workplace safety, including incidents
11 of violence against hospital workers and the need for immediate action. The intent of this bill is to
12 designate a portion of HSH as a forensic facility to assess and treat forensically committed persons as
13 well as to enhance the safety and well being of HSH workers while assessing and treating committed
14 persons.

1 If enacted, we will continue to meet all applicable licensure and accreditation requirements in
2 ensuring the safety and well-being of HSH employees and patients so that patients continue to receive
3 the necessary and appropriate mental health treatment and care.

4 This bill compliments SB2579 S.D.1 which proposes a task force leading to a proposed plan to
5 build a secure inpatient psychiatric facility and compliments the 2014 DOH Executive Branch capital
6 improvement (CIP) legislative request for the planning and design of a new building to meet the needs
7 of forensic patients admitted to HSH. With the increased number of forensic patient admissions to HSH
8 over the years and the growth in population, it is time that the State build a new facility that is designed
9 to meet the treatment needs of HSH patients and to enable HSH employees to be effective in a safe work
10 environment. The CIP request, combined with what is proposed in SB3095 and SB2579 S.D.1,
11 demonstrates the State's commitment and will enable HSH to take both immediate and longer term
12 actions. We thank the legislature for the funding appropriated in past legislative sessions to demolish
13 the Goddard building and to update the HSH Master Plan. Working with the Department of Accounting
14 and General Services (DAGS), these efforts are underway. We ask for your continued support.

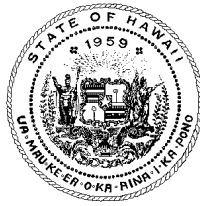
15 We will be able to act immediately, with the funding appropriation proposed in SB3095, on the
16 following:

- 17 1. Increasing security presence on our admissions units (Units F and H), while we are recruiting
18 added state employee workers,
- 19 2. Increasing the number of agency staff on our admissions units to decrease the potential for
20 staff fatigue through long working hours,
- 21 3. Expediting the application for involuntary orders to treat, for patients who require these, and
- 22 4. Revising internal HSH policies and procedures regarding patients transferring between units,
23 to increase the assurance that patients are stabilized and behavioral risks are addressed before
24 patients are transferred from the forensic portion of the facility.

1 The DOH looks forward to working with interested parties on specifications and refinements of
2 the forensic facility designation and will coordinate with other measures such as SB2579 S.D.1 and
3 relevant DOH administration proposals. The DOH has incorporated immediate and longer term actions
4 into the current draft of the HSH Action Plan for Improved Safety.

5 Thank you for the opportunity to provide testimony on this measure.

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
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TESTIMONY ON SENATE BILL (SB) 3095
A BILL RELATING TO MENTAL HEALTH

by
Ted Sakai, Director
Department of Public Safety

Senate Committee on Ways and Means
Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair

Tuesday, February, 25, 2014, 9:20 p.m.
State Capitol, Conference Room 211

Chair Ige, Vice Chair Kidani, and Members of the Committee:

The Department of Public Safety (PSD) **supports the intent** of SB 3095. The designation of a portion of the Hawaii State Hospital (HSH) as a forensic facility would improve the timely assessment and treatment services provided to the forensic mental health population serviced by both the HSH and PSD.

The establishment of this forensic facility would also provide a level of security that would assist in the prevention of staff assaults, consistent with the level of security and corresponding treatment processes provided at PSD's facilities. The passage of this measure will greatly enhance the mental health services provided to this forensic patient population.

Thank you for the opportunity to testify on this bill.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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The Twenty-Seventh Legislature, State of Hawaii
Hawaii State Senate
Committee on Health
Committee on Ways and Means

Testimony by
Hawaii Government Employees Association
February 25, 2014

S.B. 3095 – RELATING TO MENTAL HEALTH

The Hawaii Government Employees Association strongly supports the purpose and intent of S.B. 3095. This important and much needed legislation designates a portion of the Hawaii State Hospital as a forensic facility. The measure also appropriates funds to the Department of Health to pay for any necessary expenses resulting from such designation. As constructed and operated, the Hawaii State Hospital is simply inadequate to treat the growing forensic population, and therefore creates serious health and safety risks to staff and patients. The current situation is unacceptable and this measure is needed to serve and protect staff and patients.

Until a new forensic hospital is built, this is an essential step to address assaults on staff and patients at Hawaii State Hospital. The current operation of the hospital does not take into account the danger and violence certain patients pose to staff and other patients. The units designated as forensic units must have a much higher degree of security and provide staff with the necessary training to handle these types of patients.

We suggest that these units resemble high security forensic facilities on the Mainland, such as Atascadero State Hospital in California. It is an all-male, maximum security, forensic facility, which has law enforcement personnel on-site to provide security. All patients at Atascadero have a mental disability, and pose a threat to others or themselves. The patient population consists primarily of: mentally ill inmates, mentally disordered offenders, patients who have been found incompetent to stand trial and those who have been found not guilty by reason of insanity.

The majority of patients are remanded for treatment by the superior courts of the counties of California or by the Department of Corrections and Rehabilitation pursuant to various sections of the California Penal Code and the Welfare and Institutions Code. Individuals are admitted from state prisons and county jails. The hospital does not accept voluntary admissions.

This legislation is required to provide effective care and treatment for the dangerous mentally ill members of our communities. We also strongly suggest that the Department of Health and the Adult Mental Health Division review and implement the best practices of the Department of State Hospitals, State of California that are appropriate for Hawaii. Thank you for the opportunity to testify in strong support of S.B. 3095.

Respectfully submitted,

Wilbert Holck, Jr.
Deputy Executive Director



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THE SENATE THE TWENTY-SEVENTH LEGISLATURE REGULAR SESSION OF 2014

Committee on Ways and Means Testimony on S.B. 3095 Relating to Mental Health

**Tuesday, February 25, 2014, 9:20 A.M.
Conference Room 211**

Chair Ige and Members of the Committee:

The Hawaii Disability Rights Center testifies in support of what appears to be the intent of the bill, which is to designate a portion of the Hawaii State Hospital as a forensic facility. The difficulty however is that the hospital is currently a one hundred percent forensic facility, so that it would very difficult under its current structure to be less of a forensic facility than it already is.

We previously testified in support of SB 2579, which would fund a separate facility to serve forensic mental health patients who need stricter security or a higher level of services. Clearly it goes without saying that it is a necessary step the state must take. Most of the professionals who are knowledgeable on the issue have suggested for some time that the current Hawaii State Hospital, which was designed to be a treating hospital has essentially "lost its way". Although it was intended to be a treating hospital for individuals with mental illness, it has become a de facto forensic facility simply because Criminal Court Judges continue to order defendants placed there. As a result two things occur. One is that it is a forensic facility not really equipped to be a forensic facility. The other is that it has no capacity to serve its original purpose and so individuals who actually need to go there for treatment are unable to.

A separate facility would appropriately house the forensic population with well trained staff operating at a sensible ratio. It would also free up space at the current facility to serve non forensic individuals who need to be treated for their mental illness. It might actually reduce some of the problems we are seeing on the streets which are occupied by many untreated individuals who have not committed crimes. It might help to break



the sad cycle which currently states that the only way to receive treatment in Hawaii for mental illness is to get arrested.

We have observed with great interest the hearings conducted this session in response to the reports of patient assaults on staff members at the hospital. Obviously that is a matter of great concern. Yet, several things need to be stated. One is that in truth, we believe that a study of the data would demonstrate that patient assaults against other patients are more prevalent than assaults against the staff. The other is that advocates in the mental health community have been coming to the legislature for the past several years to ask that cuts in community based mental health services be restored. We believe that if these services were properly funded, (which would be infinitely cheaper) it might reduce the number of individuals who needed to be hospitalized. Certainly the data does demonstrate that prior to the cuts from the Lingle administration in community based mental health services, capacity and overcrowding at the State Hospital were less of a concern.

We hope that as the session progresses, the legislature will take a "holistic" look at the system of mental health delivery in Hawaii. It is unfortunate that it took a clamoring from state employees to point out what those who have been working with the mental health population have known and been saying for years. Yet it is also fortunate that the issue has finally received front burner attention from the legislature and we hope that the safety concerns of the workers and the treatment needs of the patients can be properly addressed in a way that helps all of them.

Thank you for the opportunity to testify on this measure.

February 22, 2014

Ellen K. Awai
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TO: Senator David Ige, Chair of the Ways & Means Committee & Members
Hearing on Tuesday, February 25, 2014, 9:20 a.m. in Room #211

SUBJECT: SB3095 Hawaii State Hospital as Forensic Facility - Please support!

I strongly support SB3095 to make a portion of the Hawaii State Hospital (HSH) a forensic facility. I have been a mental health advocate for over two decades when the federal Civil Rights of Institutionalized Persons (CRIPA) lawsuit started in 1991. Hawaii's State Hospital was listed, by the National Alliance on Mental Illness (NAMI), 51st in our nation after all other states and the District of Columbia. Hawaii had the worst hospital in the nation!

I became a member of the HSH Advisory Council from about 2003 – 2006 and then an employee of the Adult Mental Health Division (AMHD). About 2001, Dr. Thomas Hester, AMHD chief, created an omnibus plan for the hospital and the community, because patients were returning to the hospital caught in the “revolving door.” The community did not have enough services for those released and the Community Mental Health Centers had long waitlists. Paul Guggenheim became the director for the HSH and made a lot of effective changes, which included the Psychiatric Rehabilitation Mall. The mall had classes that kept patients occupied, no longer bored and angry, as if they were attending college. About 2005, Mr. Guggenheim proposed the remodeling of the upper hospital buildings to be a forensic facility. Even at that time, more than 90% of the patients were forensic patients. But the legislature could not appropriate the funding for such a big operation and less than 10% of what was requested, about \$400,000 was given, which covered the facilities needed repairs. Mr. Guggenheim left HSH soon after that.

Under Dr. Hester's leadership, HSH passed the federal CRIPA case in 2006 and became NAMI's most improved state in the nation. AMHD at that time was servicing over 14,000 consumers with severe mental illnesses. But with budget cuts and layoffs, which included myself in 2009, AMHD now services about 2,000 consumers, which include: those at the Community Mental Health Centers, HSH, those involved with the criminal justice, and those with no insurance. Nationally, prisons serve as the biggest mental health facilities, but they cannot provide the appropriate treatment to help rehabilitate. Hawaii still has to return the thousands of incarcerated that were sent to the Mainland prisons. Now is the time to make this right! Support SB3095!

Mahalo and Aloha!

Ellen K. Awai, MSCJA, BBA, CPRP, HCPS
Behavioral Health Advocate