

Honolulu, Hawaii

March 20, 2015

RE: S.B. No. 812  
S.D. 2  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 812, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO BEHAVIOR SUPPORT REVIEW COMMITTEE FOR PERSONS WITH DEVELOPMENTAL OR INTELLECTUAL DISABILITIES,"

begs leave to report as follows:

The purpose of this measure to ensure the appropriate and safe use of restrictive intervention for persons with developmental and intellectual disabilities by authorizing the Department of Health to establish a behavior support review process to conduct multidisciplinary reviews of the use of restraints or seclusion for persons with developmental or intellectual disabilities and exempt those who participate in the reviews from liability.

The State Council on Developmental Disabilities provided testimony in support of the measure. The Department of Health provided testimony in support of the measure and recommended amendments. The Hawaii Association for Justice provided testimony in opposition.

Your Committee has amended this measure by:

- (1) Creating the behavior support review process in Chapter 333F, instead of Chapter 321, Hawaii Revised Statutes;



- (2) Amending the definition of "restraint" to mean any physical, chemical, or mechanical intervention that restricts the movement or function of the person or a portion of the person's body;
- (3) Amending the definition of "seclusion" to specify that it involves involuntary confinement of a person alone, prevented from having contact with others;
- (4) Amending the provision on immunity from liability by removing the language regarding the presumption of good faith for all agencies and individuals participating in multidisciplinary reviews;
- (5) Changing the effective date to July 1, 2112, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 812, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 812, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

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



DELLA AU BELATTI, Chair



