

STAND. COM. REP. NO. 1184

Honolulu, Hawaii

March 27, 2015

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

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 812, S.D. 2, H.D. 1, 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 is to ensure that behavior intervention, such as the use of restraint or seclusion, is implemented safely and appropriately by:

- (1) Authorizing the Department of Health (Department) to establish a behavior support review process to conduct multidisciplinary reviews of the restraint or seclusion of persons with developmental or intellectual disabilities; and
- (2) Specifying that individuals participating in the Department's multidisciplinary review shall not be questioned in any civil or criminal proceeding regarding information presented in, or opinions formed, as a result of meetings of the multidisciplinary review.

The Department of Health and the State Council on Developmental Disabilities supported this measure. The Hawaii Association for Justice opposed this measure.

SB812 HD2 HSCR JUD HMS 2015-2943



Your Committee has amended this measure by:

- (1) Replacing the provisions that prohibited the questioning of any individual that participated in the Department's review of restraint or seclusion of persons with developmental or intellectual disabilities with provisions that provide for civil immunity for the acts of the Department's behavior support review committee;
- (2) Clarifying that unless required by court order, information gathered by the Department is not subject to subpoena, discovery, or introduction into evidence;
- (3) Changing the effective date to upon its approval; and
- (4) Making technical, nonsubstantive amendments 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. 812, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 812, S.D. 2, H.D. 2.

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



KARL RHOADS, Chair



