

Honolulu, Hawaii

MAR 24 2017

RE: H.B. No. 554
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health, to which was referred H.B. No. 554, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ORDERS FOR TREATMENT OVER OBJECTION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow an administrative order to overcome a patient's objection to psychiatric treatment; and
- (2) Establish criteria for treatment over objection and the administrative authorization process for administratively ordering treatment over objection.

Your Committee received testimony in support of this measure from the Department of Health, Department of Public Safety, and The Queen's Health Systems. Your Committee received comments on this measure from one individual.

Your Committee finds that it is important for the initiation of treatment for patients admitted to the Hawaii State Hospital, which is used primarily for forensic commitments, to be expedient in order to address patients' psychiatric symptoms, which often generate a risk of safety to the patient and others. Expedient



initiation of treatment will help maintain a safe and secure therapeutic environment for patients and staff, and have a positive impact on patients' length of stay.

Your Committee further finds that the current method to obtain an authorization to provide treatment over a patient's objection is by a judicial hearing. The time between petition and judicial hearing is on average nearly seventeen days but different for each case. Your Committee received testimony from the Department of Public Safety indicating that the slow judicial process can, at times, result in patient decompensation. Your Committee finds that other states have responded to the unpredictability and delay of waiting for court hearings by developing a non-judicial, administrative mechanism to review and authorize requests for treatment over a patient's objection. Your Committee notes the Department of Public Safety's willingness to implement an administrative process similar to the process proposed for the Department of Health in this measure to improve patient care by expediting the initiation of treatment for critically acute patients.

Accordingly, your Committee has amended this measure by:

- (1) Changing the criteria for issuance of a court or administrative order for treatment over objection from the patient being "physically dangerous" to the patient being "imminently dangerous" to self or others and including a definition of the phrase "imminently dangerous to self or others";
- (2) Inserting language to clarify that the safeguards established by the administrative authorization process are due process safeguards for patients;
- (3) Deleting existing language related to involuntary medical treatment criteria for inmate and detainees in the custody of the Department of Public Safety;
- (4) Inserting provisions to authorize a court or administrative order to overcome objection to psychiatric treatment for pretrial detainees and committed persons in the custody of the Department of Public Safety and establish criteria for the

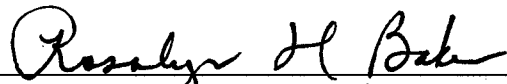


administrative authorization process for administratively ordering treatment over objection, including a definition of "imminently dangerous to self or others"; and

- (5) 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 Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 554, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 554, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:* <i>HB554, HD1</i>	Committee Referral: <i>CPH, JDL</i>	Date: <i>3/15/17</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
NISHIHARA, Clarence K. (VC)	/			
CHANG, Stanley	/			
ESPERO, Will	/			
IHARA, Jr., Les				/
KIDANI, Michelle N.	/			
RUDERMAN, Russell E.			/	
TOTAL	<i>5</i>		<i>1</i>	<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Clarence K. Nishihara</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes