

STAND. COM. REP. NO.

1540

Honolulu, Hawaii

APR 07 2017

RE: H.B. No. 554
H.D. 1
S.D. 2

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

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 554, H.D. 1, S.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) Authorize psychiatric treatment by administrative order despite a patient's objection to psychiatric treatment for patients committed to a psychiatric facility for involuntary hospitalization or in the custody of the Director of Health and residing in a psychiatric facility and patients who are pretrial detainees or committed persons in the custody of the Department of Public Safety;
- (2) Establish criteria for the issuance of the court or administrative order; and
- (3) Establish criteria for an administrative authorization process to determine whether the administrative order should be issued.



Your Committee received testimony in support of this measure from the Department of Health; Department of Public Safety; State Council on Mental Health; The Queen's Health Systems; The Institute for Human Services, Inc.; and two individuals. Your Committee received comments on this measure from the Department of the Attorney General and Hawaii Disability Rights Center.

Your Committee finds that patients admitted to the Hawaii State Hospital or in custody of the Department of Public Safety may experience acute mental health symptoms that may place the patient or others at risk for harm. Patients may experience auditory, visual, or sensory hallucinations, paranoia, and irrational thoughts or beliefs, and patients may believe they are not ill and thus refuse treatment. Your Committee also finds that existing law authorizes a judicial hearing to determine whether a patient should receive treatment over the patient's objection; however, judicial hearings may not occur for weeks after the filing of the petition, thereby placing patients at high risk of the effects of long-term active psychosis. This measure establishes procedures that are intended to expedite the process to ensure that mental health patients receive proper medical treatment.

Your Committee further finds that because the new procedure established by this measure is administrative rather than judicial in nature, your Committee is concerned that the Department of Health and Department of Public Safety may not currently have the organizational experience and methodologies necessary to sufficiently protect due process based on their existing rules, particularly with respect to indigent persons. As this measure moves forward in the legislative process, your Committee urges these Departments to examine their capabilities and readiness to implement this measure fairly and effectively.

Your Committee has amended this measure by 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 Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 554, H.D. 1, S.D. 1, as amended herein, and recommends that it



pass Third Reading in the form attached hereto as H.B. No. 554,
H.D. 1, S.D. 2.

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



GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 554 HDI SDI	Committee Referral: CPH, JDL	Date: 4/4/17		
<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
KEITH-AGARAN, Gilbert S.C. (C)	/			
RHOADS, Karl (VC)	/			
GABBARD, Mike				/
KIM, Donna Mercado	/			
THIELEN, Laura H.	/			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</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