Honolulu, Hawaii

MAR 23

, 2018

RE: S.B. No. 122

S.D. 2 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2018 State of Hawaii

Sir:

Your Committee on Health & Human Services, to which was referred S.B. No. 122, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH,"

begs leave to report as follows:

The purpose of this measure is to entitle designated family members and other interested persons of a person having a mental health emergency to be notified of certain procedures and actions; the option to be present in the courtroom for a hearing on a petition for involuntary hospitalization or assisted community treatment; and the option to receive copies of hearing transcriptions or recordings.

The Hawaii Disability Rights Center and Hawaii Substance Abuse Coalition supported this measure. The Department of Health and Department of the Attorney General provided comments.

Your Committee notes that there were concerns raised to ensure that this measure is in compliance with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Your Committee has amended this measure by:

- (1) Clarifying that the notice requirement provisions for assisted community treatment are consistent with the notice requirements when an individual is transported or admitted to a hospital;
- (2) Requiring the Auditor to conduct an audit of the Adult Mental Health Division of the Department of Health and submit a report on the audit to the Legislature;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; 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 Health & Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 122, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 122, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Health & Human Services,

PHN M. MIZUNO,

## State of Hawaii House of Representatives The Twenty-ninth Legislature

HSCR 1451-18

## Record of Votes of the Committee on Health & Human Services

SB 122, SPZ	Committee Referral:			18
☐ The committee is reconsidering its prev	ious decision on the measure	e.		
	unamended (as is)  Short form bill with HD to re	Pass, with amendments commit for future publ		
HHS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)				
2. KOBAYASHI, Bertrand (VC)				
3. BELATTI, Della Au				
4 TEADMONT TO				
4. LEARMONT, Lei R.				
5. TUPOLA, Andria P.L.				
7010223,211414141725				
TOTAL (5)	5			
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				