

STAND. COM. REP. NO. **1451**-18

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).

SB122 HD1 HSCR HHS HMS 2018-3169



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,


JOHN M. MIZUNO, Chair



