

# SB122

Measure Title: RELATING TO MENTAL HEALTH.

Report Title: Mental Health; Admission; Discharge; Notice; Hearings; Involuntary Hospitalization; Assisted Community Treatment

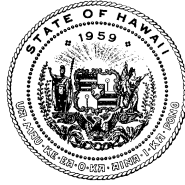
Description: Entitles designated family members and other interested persons of a person having a mental health emergency to: notice of certain procedures and actions, option to be present in the courtroom for a hearing on a petition for involuntary hospitalization or assisted community treatment, and option to receive copies of hearing transcripts or recordings. Requires the court to adjourn or continue a hearing on a petition for involuntary hospitalization or assisted community treatment for failure to timely notify designated persons, with certain exceptions.

Companion:

Package: None

Current Referral: CPH, JDL/WAM

Introducer(s): K. RHOADS



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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**Testimony COMMENTING on SB122  
RELATING TO MENTAL HEALTH**

SENATOR ROSALYN H. BAKER, CHAIR  
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION  
AND HEALTH

Hearing Date: Friday, January 27, 2017 Room Number: 229

1 **Fiscal Implications:** Undetermined at this time.

2 **Department Testimony:** The Department of Health (DOH) defers to the Department of  
3 the Attorney General on this measure and would like to offer comments.

4 The purpose of this bill is to entitle designated family members and other  
5 interested persons of a person having a mental health emergency to be notified of  
6 certain procedures and actions, the option to be present in the courtroom for a hearing  
7 on a petition for involuntary hospitalization or assisted community treatment (ACT), and  
8 the option to receive copies of hearing transcriptions or recordings. This bill requires  
9 the court to adjourn or continue a hearing on a petition for involuntary hospitalization or  
10 assisted community treatment for failure to timely notify designated persons, with  
11 certain exceptions.

12 The DOH has two concerns about this bill, the first is legal and the second is negative  
13 impact on the operational aspects of civil commitment proceedings. The DOH is  
14 concerned that this bill, as it is written, may violate the Health Insurance Portability and  
15 Accountability Act. Civil commitments occur relatively frequently, approximately 570  
16 petitions are filed and approximately 155 petitions are granted per year.

17 The participation and notice to interested family members and others may be  
18 beneficial. However the effects of delaying or adjourning a legal proceeding pending this

- 1 participation may impose on the treating or committing facility significant operational and
- 2 fiscal consequences.
- 3 Thank you for the opportunity to testify.
- 4 **Offered Amendments:** None.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 25, 2017 1:39 PM  
**To:** CPH Testimony  
**Cc:** louis@hawaiidisabilityrights.org  
**Subject:** Submitted testimony for SB122 on Jan 27, 2017 09:30AM

**SB122**

Submitted on: 1/25/2017

Testimony for CPH on Jan 27, 2017 09:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louis Erteschik	Hawaii Disability Rights Center	Comments Only	Yes

Comments: Conceptually, we appreciate the intent of this measure and believe it may be a good idea to provide notice to family members or a guardian or a close friend of an individual with a mental illness who is admitted to a hospital or discharged from a facility. Family members are often kept in the dark about such matters and they could provide a very valuable support network. We think more discussion may be needed to differentiate between whether notice should relate to hospital admissions as opposed to the court proceedings and we also believe that the Committee should look at whether state or federal privacy laws might conflict with what the bill provides. We would be happy to participate in any discussions to best help the legislature achieve the intent of this proposal.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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25 January 2017

RE: Testimony in Support of SB 122 Relating to Mental Health

Dear Senate Committee on Commerce, Consumer Protection, and Health

I strongly encourage you to support SB 122.

To understand my firm position, let me briefly explain the situation leading to the necessity of this bill. My nephew, Shendon Taniguchi, who was mentally disabled, attended a hearing without a family member present (family member's were identified in a power of attorney). Instead, with only a mental health physician in attendance, Shendon faced the court on his own. The exact details of what took place in the courtroom on that day is unknown because the court transcript his family requested for review was disapproved by the State. I do know, based on Shendon's physician, the reason the court convened was to petition for Shendon's involuntarily hospitalization. When the court adjourned, Shendon was released into the community where he roamed the streets for several hours. His family was dispatched to find and return him home only after his physician notified the family of what had occurred. The next morning, Shendon had a mental episode resulting in the death of two individuals to include himself and injuring approximately three more.

If the designated family members were notified of the hearing, they would be able to attend the hearing and advocate the need, based on previous documented cases, for Shendon's continued hospitalization. Ultimately, preventing the horrific incident from occurring.

Again, I urge the Senate Committee on Commerce, Consumer Protection, and Health to support SB 122.

SB 122 is a step in the right direction to allow designated family members and other interested parties the opportunity to advocate on behalf of a mentally disabled individuals. The designated representative would provide the courts a competent discussion and a better record of the individual's mental health while residing outside of a mental health facility. Eventually, identifying the need for involuntary hospitalization or assisted community treatment.

Thank you for the opportunity to comment on this bill.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 23, 2017 6:18 PM  
**To:** CPH Testimony  
**Cc:** mendezj@hawaii.edu  
**Subject:** \*Submitted testimony for SB122 on Jan 27, 2017 09:30AM\*

**SB122**

Submitted on: 1/23/2017

Testimony for CPH on Jan 27, 2017 09:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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