

STAND. COM. REP. NO.

1751

Honolulu, Hawaii

MAR 15 , 2019

RE: S.B. No. 1124
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 1124, 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 facilitate the treatment of individuals with mental health issues by:

- (1) Allowing interested persons to file a petition for a mental health order alleging that a person located in the county has a mental illness and qualifies for assistance;
- (2) Clarifying that the inability to satisfy the need for treating mental illness is included in determining whether a person is dangerous to self;
- (3) Requiring the court to assess whether a person meets the criteria for assisted community treatment before discharging a person who has been involuntarily hospitalized;



- (4) Authorizing the court to order a person to obtain assisted community treatment as an alternative to involuntary hospitalization;
- (5) Clarifying the criteria for obtaining assisted community treatment; and
- (6) Making conforming amendments.

The Councilmember of District 9 of the City and County of Honolulu, Honolulu Police Department, Partners in Care, Hawaii Kai Homeless Task Force, and Catholic Charities Hawai'i submitted testimony in support of this measure. The Department of Health submitted testimony in opposition. The Department of the Attorney General, Hawaii Disability Rights Center, Mental Health America of Hawai'i, and The Institute for Human Services submitted comments.

Your Committee has amended this measure by:

- (1) Deleting the provision allowing interested persons to file a petition for a mental health order;
- (2) Specifying that the Attorney General (AG) may decline to present a case for involuntary hospitalization if the AG determines that the case lacks merit;
- (3) Deleting the provisions requiring the court to assess whether a person meets the criteria for assisted community treatment and authorizing the court to order a person to obtain assisted community treatment as an alternative to involuntary hospitalization;
- (4) Requiring the administrator or attending physician of a psychiatric facility to assess whether an assisted community treatment plan is indicated when contemplating the discharge of an involuntary patient and, if so indicated, to make certain arrangements;
- (5) Clarifying that the person must also currently pose a danger to self or others when determining if a person may be ordered to obtain assisted community treatment;
- (6) Clarifying that a petition for assisted community treatment need not be sworn to before a notary public;



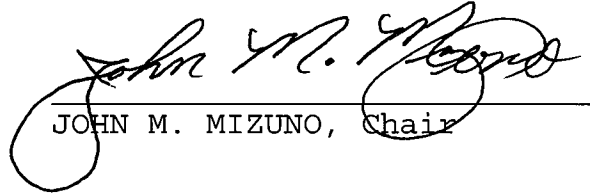
- (7) Requiring that the AG assist in the drafting of the petition for assisted community treatment;
- (8) Changing the time period for a certified examination by a licensed psychiatrist or advanced practice registered nurse for a petition for assisted community treatment from twenty days to two days prior to filing the petition;
- (9) Specifying that a petitioner for assisted community treatment may request further evaluation if the petitioner believes it is necessary;
- (10) Requiring the AG to present cases at hearing on the petition for assisted community treatment unless private counsel has been retained by the petitioner or if the case lacks merit;
- (11) Inserting an appropriation for an unspecified amount for the establishment and appointment of two deputy attorneys general and support staff to assist with petitions for assisted community treatment; and
- (12) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Should your Committee on Finance consider this measure, your Committee notes that the AG testified that the sum of \$332,000 for fiscal year 2019-2020 and the sum of \$308,000 for fiscal year 2020-2021 would be sufficient amounts to accomplish the purposes of this measure.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1124, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1124, 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,



JOHN M. MIZUNO, Chair



