

STAND. COM. REP. NO.

641

Honolulu, Hawaii

FEB 15 2019

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

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 1124 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Provide that any interested party may file a petition for a mental health order alleging that another person has a mental illness and qualifies for assistance;
- (2) Require the court to assess whether a person meets the criteria for assisted community treatment before discharging a person who has been involuntarily hospitalized;
- (3) Authorize the court to order a person to obtain assisted community treatment as an alternative to involuntary hospitalization; and
- (4) Clarify the criteria for assisted community treatment.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Partners in Care, Mental Health America of Hawai'i, The Institute for Human Services, Hawaii Island



HIV/AIDS Foundation, and one individual. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of the Attorney General, Department of Health, Hawaii Disability Rights Center, and one individual.

Your Committee finds that the State's assisted community treatment law was enacted in 2013, to help individuals with serious mental illnesses obtain the treatment and medication they needed. However, your Committee further finds that assisted community treatment is only rarely used, with fewer than ten orders for court-mandated treatment plans being issued in the past five years. This measure is intended to encourage the use of assisted community treatment by allowing more flexibility on the part of the family courts and clarifying provisions of mental health treatment law.

Your Committee notes that the Department of the Attorney General has submitted testimony on this measure addressing several concerns, including that the court may need additional guidance regarding the placement of patients in assisted community treatment as opposed to involuntary commitment to a hospital, and that such consideration may merit further discussion as this measure proceeds in the legislative process. Your Committee further notes that the Department of the Attorney General has requested additional funding for expenses relating to the provisions of this measure, but your Committee believes that it is necessary to see whether this measure increases the Department's work load before providing additional funding.

Your Committee has amended this measure by:

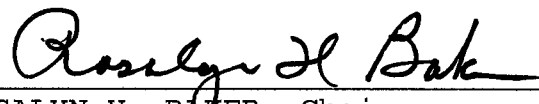
- (1) Clarifying that a court may evaluate a petition for a mental health order and determine whether a person meets the criteria for either involuntary hospitalization or assisted community treatment, then issue an order based on that determination;
- (2) Clarifying that petitions for mental health orders are in addition to existing petitions for involuntary hospitalization and assisted community treatment;



- (3) Clarifying that a person may be considered "dangerous to self" if the person behaves in such a manner as to indicate that the person is unable to satisfy the need for treatment for a mental illness;
- (4) Specifying that the determination of whether or not a mental illness has caused a person to refuse needed mental health services, and which would result in the individual becoming imminently dangerous to self or others, must be determined by a psychiatrist or properly qualified advanced practice registered nurse; and
- (5) 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 Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1124, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1124, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,




ROSALYN H. BAKER, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1124	CPH, JDC	2/13/19		
<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
BAKER, Rosalyn H. (C)	✓			
CHANG, Stanley (VC)	✓			
KEOHOKALOOLE, Jarrett				✓
NISHIHARA, Clarence K.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
FEVELLA, Kurt	✓			
TOTAL	6			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes