

STAND. COM. REP. NO.

1145

Honolulu, Hawaii

MAR 1 - 2019

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

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1124, S.D. 1, 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 facilitate the treatment of individuals with mental health issues by:

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



Your Committee received testimony in support of this measure from Catholic Charities Hawai'i, Partners in Care, Mental Health America of Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Institute for Human Services, and two individuals. Your Committee received comments on this measure from the Department of Health, Department of the Attorney General, and Hawaii Disability Rights Center.

Your Committee finds that although the State's assisted community treatment law was enacted in 2013 to help individuals with serious mental illnesses obtain the treatment and medication they need, assisted community treatment plans are rarely used. Your Committee further finds that increased use of outpatient assisted community treatment will help persons with mental illnesses get much needed treatment and reduce the burden that the existing cycle of emergency care and hospitalization places on the State's courts and public mental health infrastructure.

Your Committee has amended this measure by:

- (1) Clarifying that facilities and caregivers who take responsibility for coordination, management, and supervision of a person's treatment must do so voluntarily;
- (2) Requiring all criteria for an assisted community treatment order to be established based on the professional opinion of a psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization;
- (3) Specifying that a person's refusal or history of a lack of adherence to treatment which resulted in the person being dangerous to self or others is sufficient for the court to find dangerousness without a finding that the person is imminently dangerous;
- (4) Removing the requirement that the refusal or lack of adherence must have occurred on more than one occasion;



- (5) Changing the effective date to March 15, 2050, to encourage further discussion; and
- (6) 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1124, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1124, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

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|--|--|-------------------------|----------|----------|
| Bill / Resolution No.:* SB 1124 SD1 | Committee Referral: CPA, JDC | Date: 2/26/19 | | |
| <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 |
| RHOADS, Karl (C) | ✓ | | | |
| WAKAI, Glenn (VC) | ✓ | | | |
| GABBARD, Mike | ✓ | | | |
| KIM, Donna Mercado | ✓ | | | |
| FEVELLA, Kurt | | | | ✓ |
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| TOTAL | 4 | 0 | 0 | 1 |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one measure per Record of Votes