

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 567
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. 567 entitled:

"A BILL FOR AN ACT RELATED TO MENTAL HEALTH TREATMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to require:

- (1) Psychiatric facilities to determine whether an assisted community inpatient treatment plan is appropriate for an individual prior to that person's release from emergency examination, emergency hospitalization, or voluntary inpatient treatment;
- (2) The Department of Health to convene a mental health emergency task force to examine barriers to assisted community treatment plans and options for creating a state-funded treatment team; and
- (3) The Department of the Attorney General to be responsible for filing assisted community treatment petitions.

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; The Institute of Human Services, Inc.; Partners in Care; Hawaii Island HIV/AIDS Foundation; Hawai'i Psychological Association; Mental Health America of Hawai'i;



Catholic Charities Hawai'i; Hawaii Kai Homeless Task Force; and one individual. Your Committee received testimony in opposition to this measure from two individuals. Your Committee received comments on this measure from the Department of Health, Department of the Attorney General, The Queen's Health Systems, and Hawaii Disability Rights Center.

Your Committee finds that following emergency care or hospitalization, many mentally ill patients are released with no plan in place for follow-up care or treatment. Predictably, many of these individuals fall into a pattern of crisis and emergency intervention. Assisted community treatment is an available but under-utilized option for people with serious mental illness to receive on-going treatment in the least restrictive setting and reduces the trend toward repeat emergency interventions as the primary course of treatment for the seriously mentally ill.

Your Committee further finds that judicial oversight of assisted community treatment initiation is important to preserve civil rights of mentally ill persons. However, private sector providers, community organizers, and families do not have the resources to navigate the complex and congested court system. Involving the Department of the Attorney General with the filing of assisted community treatment orders may reduce some of the barriers faced by individuals who wish to pursue this avenue of mental health care.

Your Committee recognizes that utilization rates of assisted community treatment have been low, despite a critical need for increased access to mental health treatment. This measure authorizes the Department of Health to convene a mental health emergencies task force to examine why medical facilities are not diverting more people with mental health emergencies into assisted community treatment and explore other options to expand access to emergency mental health treatment.

Your Committee has amended this measure by:

- (1) Requiring psychiatric facilities to determine whether an assisted community treatment order is appropriate at the time an individual is committed to a psychiatric facility for involuntary hospitalization, rather than



prior to release from emergency examination, emergency hospitalization, or voluntary inpatient treatment;

- (2) Clarifying that the Department of the Attorney General shall assist with, rather than be responsible for, petitions for assisted community treatment and related court proceedings; and
- (3) 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. 567, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 567, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

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

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|--|---------------------|----------|-----|---------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| SB 567 | CPH, JDC/WAM | 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 | ✓ | | | |
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| TOTAL | 6 | | | 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