



HAWAII HEALTH SYSTEMS
C O R P O R A T I O N
Quality Healthcare For All

LATE

COMMITTEE ON HEALTH
Rep. John M. Mizuno, Chair
Rep. Bertrand Kobayashi, Vice Chair

COMMITTEE ON HUMAN SERVICES
Rep. Joy A. San Buenaventura, Chair
Rep. Nadine K. Nakamura, Vice-Chair

February 6, 2020
Conference Room 329
9:45 a.m.
Hawaii State Capitol

Testimony with Comments
House Bill 2580, Proposed HD1
RELATING TO MENTAL HEALTH

Requires the judiciary to establish a mental health first aid training program that provides mandatory eight-hour sessions triennially for personnel in the district and family courts whose duties include proceedings for restraining or protective orders. Requires the director of health to establish an emergency examination and hospitalization subsidy program for the purpose of recruiting, retaining, and subsidizing the salaries of certain psychiatrists and psychologists. Appropriates funds. (Proposed HD1)

Linda Rosen, M.D., M.P.H.
Chief Executive Officer
Hawaii Health Systems Corporation

The Hawaii Health Systems Corporation (HHSC) provides comments on HB 2580, Proposed HD1.

Throughout the past interim, HHSC has worked closely with a broad array of Hawaii's hospital systems and healthcare and criminal justice partners to understand the challenges and opportunities for improvements in the MH1 process. There has been extensive, positive collaborative work around understanding the healthcare issues and practices that impact how changes in this particular section of law can impact the person who may require emergency mental healthcare, which is inclusive of emergency health services.

Respectfully, this measure does not reflect the outcomes of those discussions.

Thank you for the opportunity to testify.

3675 KILAUEA AVENUE • HONOLULU, HAWAII 96816 • PHONE: (808) 733-4020 • FAX: (808) 733-4028



LATE

The Judiciary, State of Hawai‘i

Testimony to the House Committee on Health

Representative John M. Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

Testimony to the House Committee on Human Services & Homelessness

Representative Joy A. San Buenaventura, Chair
Representative Nadine K. Nakamura, Vice Chair

Thursday, February 6, 2020, 9:45 a.m.
State Capitol, Conference Room 329

by
Rodney A. Maile
Administrative Director of the Courts

Bill No. and Title: House Bill No. 2580, Proposed House Draft 1, Relating to Mental Health.

Purpose: Amends emergency mental health examination procedures, creates TRO database, appropriates funds for additional mental health care facilities, appropriates funds to licensed psychiatric facilities to recruit and retain personnel and subsidize salaries.

Judiciary’s Position:

The Judiciary provides the following comments on Part I of House Draft 1 of this measure, while supporting the intent to increase awareness and knowledge of, and improve the response to mental illness throughout our community and state. The Judiciary takes no position on Part II.

The Judiciary has significant concerns with Part I of the bill in its current form.

Resources

The requirements under the current form of the bill for the Judiciary to “establish a mental health first aid training program for personnel in the district and family courts whose duties include proceedings for restraining or protective orders,” lead to concerns regarding



financial resources and the Judiciary's current lack of subject matter expertise to establish or develop a program as described in the bill.

Appearance of Partiality

More importantly, the requirements in paragraphs (b)(3) and (b)(4) of the current form of the bill for certain Judiciary employees to “[p]rovide initial assistance” and “[g]uide individuals requiring assistance toward appropriate professional help,” will encroach upon the courts’ duty to remain free from the appearance of partiality, particularly if such initial assistance for those with mental health disorders or guidance to professional help occurs in the context of ongoing restraining or protective orders. For court personnel to articulate these types of concerns in civil or family matters through such assistance or guidance would be inconsistent with the bedrock principle of avoiding any appearance of partiality or prejudgment of the merits of any matter. This would likely be perceived as a court’s judgment on the individual’s character or determination of issues pertinent to the restraining order case before the court before an opportunity to consider pertinent the evidence on the issue.

Safety

It appears this bill would anticipate a party—either petitioner or respondent—whom an individual court employee, based on an eight-hour training, identifies to be possibly suffering from a mental illness, conveying such belief to the individual and actively engaging. While we are not certain, it would appear that following a relatively short training, individuals would not be equipped to accurately identify illnesses, and perhaps equally saliently, would not be able to determine whether it would be safe or prudent to engage with such individual directly on the issue of their mental health. As an example, professionals with a high degree of training currently take days or more to assess criminal defendants and write reports regarding fitness to proceed—ability to understand the proceedings and assist their lawyer in their own defense—and do so in a controlled environment fit for the purpose surrounded by other trained professionals. Encouraging court employees to directly engage with those who may be suffering from a mental illness specifically on the issue of their mental illness could be unpredictable at best and unsafe at worst.

Alternatives

The Judiciary is committed to working with partners in the counties and other state departments to increase awareness and knowledge of, and improve the response to, mental health challenges. As one example, the Judiciary and DOH have been working to improve the response to those with mental illness in the criminal justice system, and in November 2019 Governor Ige and Chief Justice Recktenwald co-convened a summit attended by over 100

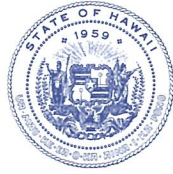


House Bill No. 2580, Proposed House Draft 1, Relating to Mental Health
House Committees on Health / Human Services & Homelessness
Thursday, February 6, 2020
Page 3

representatives from the Judiciary, the Department of Health, the Office of the Attorney General, the Department of Public Safety, the Federal Court, the police departments from each county, Federal Probation, each county prosecutor's office, the Office of the Public Defender, the Hawai'i Association of Criminal Defense Lawyers, local hospitals and health services providers, the Office of Hawaiian Affairs, and members of the Hawai'i State Legislature. The Summit included facilitated discussions regarding gaps, opportunities and potential solutions for pre-arrest diversion to treatment.

As another example, multiple neighbor island police departments are open to working with Judiciary employees for crisis intervention training, and several Judiciary employees have already undergone such training. We hope to have more undergo these types of educational opportunities.

Thank you for the opportunity to testify on this measure.



LATE


HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

February 6, 2020

TO: Representative John M. Mizuno, Chair
House Committee on Health

Representative Joy A. San Buenaventura, Chair
House Committee on Human Services and Homelessness

FROM: Representative Val Okimoto 

RE: Testimony in Support for House Bill No. 2580 – Proposed HD 1

Aloha Chair Mizuno and Chair San Buenaventura,

Mahalo for the opportunity to testify in support for the proposed House Draft 1 which would amend House Bill No. 2580. The amended bill would establish a mental health first aid training program for Judiciary personnel, and would establish a program in the Department of Health to recruit, retain, and subsidize the salaries of psychiatrists and clinical psychologists employed by licensed psychiatric facilities.

I am not familiar with the training program in Part I of the proposed HD 1, and defer to the Judiciary for additional comments. However, I believe Judiciary personnel should receive some form of training in order to identify and de-escalate mental health crisis situations at work.

As for the merits of Part II of the proposed HD 1, I believe this bill is just one component among many other bills to help address a critical mental health crisis in the State of Hawai'i. We all acknowledge that we have a critical doctor shortage in the state. We have established programs, for example, to incentivize local doctors to stay home and practice here if we help them pay back their student loans.

Part II would allow the Department of Health to partner with private businesses to help recruit, retain, and subsidize the salaries of specialized mental health practitioners. This bill would ensure that more psychiatrists and clinical psychologists practice in Hawai'i if we are able to offer them salaries that are competitive with the mainland.

Mahalo!

LATE

HB-2580

Submitted on: 2/5/2020 4:35:51 PM

Testimony for HLT on 2/6/2020 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Donna P. Van Osdol	Individual	Support	No

Comments:

With the crimes committed with those who have mental illness on the rise, it is always crucial to prevent the illness from exacerbating and spinning out of control. Establishing, in the judiciary, a mental health first aid training program for those working in the family and district courts is an excellent recommendation as these are the people who work daily in areas where they do/may come face to face with those on the brink of a mental health issue and/or crisis. The 8-hour training program held triennially is also a good thing because it reaffirms previous training. In other words, the more training, the better.

I feel that prevention is the key, and this program will help alleviate crimes from those with mental illness.

I support this bill because it is worthy of being passed out of committee and moving forward.

Donna Van Osdol

LATE

HB-2580

Submitted on: 2/5/2020 5:32:08 PM

Testimony for HLT on 2/6/2020 9:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rita Kama-Kimura	Individual	Support	No

Comments:



To: The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
Members, Committee on Health

The Honorable Joy A. San Buenaventura, Chair
The Honorable Nadine K. Nakamura, Vice Chair
Members, Committee on Human Services and Homelessness

From: Rowena Buffett Timms, Executive Vice President & Chief Administrative Officer, The Queen's Health Systems

Colette Masunaga, Manager, Government Relations & External Affairs, The Queen's Health Systems

Date: February 5, 2020

Hrg: House Committee on Health and Committee on Human Services and Homelessness Joint Hearing; Thursday, February 6, 2020 at 9:45 AM in room 329

Re: **Comments on HB2580 Proposed HD1, Relating to Mental Health**

The Queen's Health Systems (Queen's) is a not-for-profit corporation that provides expanded health care capabilities to the people of Hawai'i and the Pacific Basin. Since the founding of the first Queen's hospital in 1859 by Queen Emma and King Kamehameha IV, it has been our mission to provide quality health care services in perpetuity for Native Hawaiians and all of the people of Hawai'i. Over the years, the organization has grown to four hospitals, 66 health care centers and labs, and more than 1,600 physicians statewide. As the preeminent health care system in Hawai'i, Queen's strives to provide superior patient care that is constantly advancing through education and research.

Queen's appreciates the opportunity to support the intent and offer comments on HB2580 Proposed HD1, relating to mental health. The proposed HD1 would require the judiciary to create a mental health first aid training program for personnel and establishes a Department of Health subsidy program for certain clinicians employed by licensed psychiatric facilities.

Part II of the Proposed HD1 establishes an emergency examination and hospitalization subsidy program for the purpose of recruiting, retaining, and subsidizing the salaries of licensed physicians practicing psychiatry and clinical psychologists employed by licensed psychiatric facilities. As one of two providers of non-forensic acute care psychiatric services on Oahu, Queen's would appreciate clarification to ensure that providers of inpatient psychiatric services for our non-forensic populations are included under the definition of licensed psychiatric facility and that priority be granted to those psychiatric facilities that have demonstrated a commitment to serving our mental health patients in the community.

In addition to licensed physicians practicing psychiatry and clinical psychologists, we propose inclusion of advanced practice registered nurses (APRNs) under the emergency examination and hospitalization

The mission of The Queen's Health Systems is to fulfill the intent of Queen Emma and King Kamehameha IV to provide in perpetuity quality health care services to improve the well-being of Native Hawaiians and all of the people of Hawai'i.

subsidy program. At The Queen's Medical Center, Punchbowl, psychiatric APRNs play a critical role in the care team and delivery of services to our psychiatric patients. Our Behavioral Health Department employs eight APRNs and we are in the process of establishing a psychiatric nurse practitioner fellowship program in July of this year.

Thank you for the opportunity to testify on this measure.



LATE

Thursday, February 6, 2020

House Bill 2580 Propsed HD1
Testifying in Support

Aloha Chairs Mizuno and San Buenaventura, Vice Chairs Kobayashi and Nakamura,
and Members of the Committees on Health and Human Services & Homelessness,

The Democratic Part of Hawai'i (The Party) **stands in support of HB2580** Relating to Mental Health, which requires the judiciary to establish a mental health first aid training program that provides mandatory eight-hour sessions triennially for personnel in the district and family courts whose duties include proceedings for restraining or protective orders. It also requires the director of health to establish an emergency examination and hospitalization subsidy program for the purpose of recruiting, retaining, and subsidizing the salaries of certain psychiatrists and psychologists and appropriates funds.

Mental Health First Aid is a Substance Abuse and Mental Health Services Administration (SAMHSA) approved, evidence based, modality and training that prepares people to assist and protect those who are experiencing a mental health crisis.

In Hawai'i, many of our residents who have run ins with the law, experience symptoms that stem from mental health disorders. This is especially prevalent in our houseless community. That may make it difficult for police, first responders, corrections officers and other civil servants, to handle situations in a way that can deescalate the situation. This is not the fault of the individuals on the front lines, this is simply a lack of training.

“Public safety officers, regardless of rank or position, may find themselves confronted with a mental health crisis. My Mental Health First Aid training helped me save a life, and regular incidents serve as reminders of how public safety officers fall back on their training in times of crisis.”

–Captain Joseph Coffey, Ret., Rhode Island Municipal Police Academy and Mental Health First Aid Trainer

The State Legislature has the ability to mandate these trainings to those who encounter individual with these issues, the most often. People cannot be expected to do a job unless they are equipped with the right tools. Mental Health First Aid is one of the most valuable tools that can be added be to the toolbox for our first responders.

This course will not only help those working in public safety to help other residents, but it will allow coworkers to assist each other. In these high stress jobs, our employees

need to be taken care of as well. In these specific professions, officers are more prone to go to each other for help before seeking outside help. They have shared experiences which makes confiding in each other easier.

According to the National Council these are some of the reasons to train our police officers in Mental Health First Aid - Public Safety module.

“1 in 4 law enforcement encounters involves an individual experiencing mental illness. Approximately 12 police officers in the United States die by suicide every month. Approximately 1000 officers are experiencing PTSD on the job.”

The cost for this training is well worth the potential results; a healthier community that takes care of and keeps each other safe.

It for these reasons that we urge a favorable vote on this bill.

Mahalo for the opportunity to testify,



Josh Frost
Co-Chair, Legislation Committee
Democratic Party of Hawai'i



Zahava Zaidoff
Co-Chair, Legislation Committee
Democratic Party of Hawai'i

<https://www.mentalhealthfirstaid.org/population-focused-modules/public-safety/>