

STAND. COM. REP. NO.

2308

Honolulu, Hawaii

FEB 15 2022

RE: S.B. No. 2034
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 2034
entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to require the
assessment of certain patients subject to emergency
hospitalization to determine if a surrogate or guardian should be
appointed to make appropriate health care decisions for the
patient.

Your Committee received testimony in support of this measure
from the Institute for Human Services, Inc.; Hawaii Substance
Abuse Coalition; and three individuals. Your Committee received
comments on this measure from the Adult Mental Health Division of
the Department of Health, Hawai'i Pacific Health, The Queen's
Health Systems, and one individual.

Your Committee finds that when individuals are in crisis and
suffering from an acute serious mental illness, it is necessary to
achieve a balance between ensuring that they can be treated during
a time where they lack decision making capacity and honoring their
right to self-determination. Requiring an assessment to determine
whether a surrogate or guardian is needed to make appropriate
health care decisions when an individual lacks decisional capacity
supports this balance. Accordingly, this measure requires such an



assessment by a psychiatrist or advanced practice registered nurse with prescriptive authority and certain certification in psychiatric specialization.

Your Committee acknowledges the testimony of various health care providers who offered amendments clarifying this measure and authorizing other qualified staff members to conduct the assessment.

Therefore, your Committee has amended this measure by:

- (1) Authorizing emergency room physicians and psychologists to assess whether the patient is suffering from a mental illness or substance abuse disorder, and whether the patient lacks decisional capacity;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; 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 Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2034, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2034, S.D. 1, and be referred to your Committee on Judiciary.

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



JARRETT KEOHOKALOLE, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* SB 2034	Committee Referral: HTH, JDC	Date: 2-7-2022
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt	✓			
TOTAL	5	—	—	—

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:
Rosalyn H. Baker

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*Only one measure per Record of Votes