

Honolulu, Hawaii

MAR 04 2022RE: 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 Judiciary, to which was referred S.B.
No. 2034, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require assessment of patients who are subject to emergency hospitalization, diagnosed with a mental illness or severe substance use disorder, and found to be lacking decisional capacity to determine if a surrogate or guardian needs to be appointed to make appropriate health care decisions for the patient; and
- (2) Authorize certain health care providers to make determinations on the presence of mental illness, substance abuse disorder, and decisional capacity of the patient.

Your Committee received testimony in support of this measure from the Disability and Communication Access Board; Institute for Human Services, Inc.; Hina Mauka; and five individuals. Your Committee received comments on this measure from the Hawaii Medical Association, Hawai'i Pacific Health, Queen's Health Systems, and Hawaii Disability Rights Center.



Your Committee finds that many persons suffering from serious mental illness do not receive timely and appropriate care or treatment because emergency response procedures in the State generally do not permit involuntary emergency hospitalization except in very narrow circumstances. Your Committee further finds that these procedures often result in a cycle of crisis response and short-term emergency treatment, after which the person receives no further care. This measure will increase the likelihood that persons suffering from serious mental illness or severe substance abuse will receive timely and appropriate care and treatment, whether when brought to an emergency department for evaluation, hospitalized in a psychiatric facility under an emergency hospitalization or involuntary commitment order, or while being considered for assisted community treatment, by requiring 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.

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. 2034, S.D. 1, and recommends that it pass Third Reading.

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

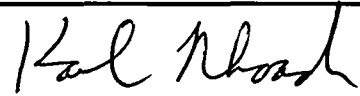


KARL RHOADS, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2034, SDI	HTH, JDC	02-25-22
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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)	✓	
KEOHOKALOLE, Jarrett (VC)		✓
ACASIO, Laura	✓	
GABBARD, Mike	✓	
KIM, Donna Mercado	✓	
LEE, Chris	✓	
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