

Honolulu, Hawaii

APR 06 2023

RE: H.B. No. 1156  
H.D. 2  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 1156, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize psychiatrists, advanced practice registered nurses, and interested parties to request the Director of Health to file an assisted community treatment petition;
- (2) For requests that satisfy the criteria for assisted community treatment, require the Director of Health to file a petition for assisted community treatment within a certain number of days;
- (3) Authorize the Family Court to use online hearings for assisted community treatment petitions;
- (4) Require the Department of Health to report to the Legislature prior to the Regular Session of 2025 on the number of requests for petitions for assisted community treatment submitted to the Director of Health since July 1, 2023; and



- (5) Appropriate funds.

Your Committees received testimony in support of this measure from the State Council on Mental Health and one individual. Your Committees received testimony in opposition to this measure from the Department of Health and American Civil Liberties Union of Hawai'i. Your Committees received comments on this measure from the Judiciary.

Your Committees find that certain individuals who live with behavioral issues deserve necessary medical treatment when it is in their best interest. In these situations, it is important to ensure that those persons receive necessary treatment including treatment ordered by the court. This measure would support the timely provision of treatment and care for individuals who lack decisional capacity by improving the process for interested parties to petition for assisted community treatment for these individuals.

Your Committees have amended this measure by:

- (1) Authorizing psychiatrists, advanced practice registered nurses, and interested parties to request the assistance of the Department of the Attorney General to assist in the preparation and filing of assisted community treatment petitions;
- (2) Removing language that would have specified that an interested party may request the Director of Health to file an assisted community treatment petition; shall be responsible for providing information to the Director of Health to support an assisted community treatment petition; and shall have the right to bring a petition on their own behalf if the Director of Health has not filed a petition within a certain number of days;
- (3) Removing language that would have required the Director of Health to review the request for the Director of Health to file an assisted community treatment petition as expeditiously as possible upon receipt of the request and, if the request satisfies the requirements, to file a petition within a certain number of days;



- (4) Specifying that after July 1, 2023, the Department of the Attorney General shall assist with the preparation and filing of any assisted community treatment petition brought and any related court proceedings; provided that, if the petitioner is a private provider or other private individual, the petitioner may decline the assistance;
- (5) Removing language that would have required the Director of Health to report to the Legislature twenty days prior to the Regular Session of 2025 on the number of requests for petitions for assisted community treatment;
- (6) Adding language that requires the Department of the Attorney General to report to the Legislature forty days prior to the Regular Sessions of 2024 and 2025 on the number of requests for assistance with the preparation and filing of petitions for assisted community treatment;
- (7) Removing additional judge positions from the appropriation to the Judiciary;
- (8) Making conforming amendments;
- (9) Amending section 1 to reflect its amended purpose; and
- (10) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note that the Senate Draft 2 of this measure contains an unspecified appropriation amount. Should this measure proceed through the legislative process, your Committees respectfully request an appropriation amount of \$200,000 for fiscal years 2023-2024 and 2024-2025 to the Judiciary for increased compensation for guardians ad litem appointed to assisted community treatment cases be considered.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1156, H.D. 2, S.D. 1, as amended herein, and



recommend that it pass Third Reading in the form attached hereto  
as H.B. No. 1156, H.D. 2, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Ways and Means,

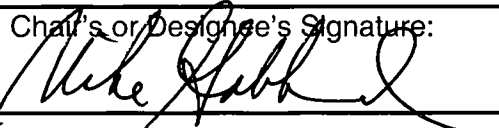
  
DONOVAN M. DELA CRUZ, Chair

  
KARL RHOADS, Chair



The Senate  
Thirty-Second Legislature  
State of Hawai'i

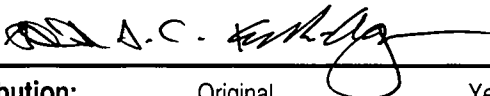
**Record of Votes  
Committee on Judiciary  
JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1156 HD2 SD1	HHS, JDC/WAM	4/6/23		
<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)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton				✓
<b>TOTAL</b>	4	—	—	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes

The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:* <b>HB1156 HD2 SDI</b>	Committee Referral: <b>HHS, JDC/WAM</b>	Date: <b>4/6/23</b>		
<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
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
AQUINO, Henry J.C.	X			
DECOITE, Lynn	X			
INOUYE, Lorraine R.	X			
KANUHA, Dru Mamo	X			
KIDANI, Michelle N.	X			
KIM, Donna Mercado	X			
LEE, Chris	X			
MORIWAKI, Sharon Y.	X			
SHIMABUKURO, Maile S.L.	X			
WAKAI, Glenn				X
FEVELLA, Kurt				X
<b>TOTAL</b>	<b>11</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes