



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
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Testimony COMMENTING on H.B. 950, H.D. 1
RELATING TO ASSISTED COMMUNITY TREATMENT ORDERS

REPRESENTATIVE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Hearing Date, Time and Room: Wednesday, March 1, 2023 at 2:00 p.m. in Room 325/VIDEO

1 **Fiscal Implications:** Undetermined.

2 **Department Position:** The Department of Health (“Department”) appreciates the intent of this
3 measure and offers comments expressing concerns.

4 **Department Testimony:** The Adult Mental Health Division (AMHD) provides the following
5 testimony on behalf of the Department.

6 The purpose of this measure is to amend Hawaii Revised Statutes §334-127, and Hawaii
7 Revised Statutes §334-130. As drafted, this measure suggests changes in the timeframe for
8 duration of the assisted community treatment court order from no more than one year to no
9 more than two years, and to increase the criteria for continuing treatment from 80 to 100 days.

10 The Department is committed to addressing the needs of individuals who live with
11 behavioral health issues and need necessary medical treatment when it is in their best interest.
12 Assisted Community Treatment (ACT) is an important method to ensure the application of
13 those services for those who would benefit from treatment over their objection. The
14 Department is committed to supporting the availability and effectiveness of ACT, including
15 working with state agencies and community partners to improve access and implementation.

1 We ask for clarification regarding the data that support these statute changes. We are
2 unaware of data explaining how the proposed changed timeframes will impact outcomes when
3 providing ACT. We respectfully defer to the Judiciary on items in this bill that impact judicial
4 proceedings and defer to the Department of the Attorney General for legal matters.

5 At this time, our goal of effective and efficient use of ACT cannot be accomplished
6 without changes in practice through training and clarification of instruction as noted in S.B. 987,
7 S. D. 1 and H.B. 885, H.D. 1.

8 **Offered Amendments:** None.

9 Thank you for the opportunity to testify on this measure.

JOSH B. GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA
MOKU'ĀINA 'O HAWAI'I



RICHARD RIES, Psy.D., M.Ed.
COUNCIL CHAIRPERSON
LUNA HO'OMALU O KA PAPA

STATE OF HAWAI'I
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
STATE COUNCIL ON MENTAL HEALTH
P.O. Box 3378, Room 256
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STATE COUNCIL ON MENTAL HEALTH
Testimony to the House Committee on Judiciary and Hawaiian Affairs
In SUPPORT of H.B. 950 H.D.1
MENTAL HEALTH; RELATING TO ASSISTED COMMUNITY TREATMENT ORDERS

Wednesday, March 1, 2023 2:00 p.m.

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Chair Tarnas, Vice-Chair Takayama and Members of the Committee:

In alignment with §334-10, HRS, the State Council on Mental Health (SCMH) is a 21-member Council responsible for advising, reviewing and monitoring the provision of mental health services statewide. Members are residents from diverse backgrounds representing mental health service providers and recipients, students and youth, parents and family members. Members include representatives of state agencies on mental health, criminal justice, housing, Medicaid, social services, vocational rehabilitation, and education. Members also includes representatives from the Hawaii advisory commission on drug abuse and controlled substances and county service area boards on mental health and substance abuse.

The SCMH supports the intent of this measure to give people with serious mental illness the option, when needed, for longer court-mandated treatment.

Thank you for the opportunity to testify. Should you have any questions, please contact us at DOH.SCMHChairperson@doh.hawaii.gov.

VISION: A Hawaii where people of all ages with mental health challenges can enjoy recovery in the community of their choice.

MISSION: To advocate for a Hawaii where all persons affected by mental illness can access necessary treatment and support to live full lives in the community of their choice.

HB-950-HD-1

Submitted on: 2/27/2023 3:00:30 PM

Testimony for JHA on 3/1/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Hawaii Disability Rights Center	Comments	In Person

Comments:

If the additional year will provide better oversight of the individual, we have no objection.

TESTIMONY OF ELLEN GODBEY CARSON ON HB 950, HD1

I write in strong support of HB 950, HD1.

While I write as an individual, I have served as President of Hawaii Women Lawyers, the Hawaii State Bar Association, and the Institute for Human Services. The major part of my legal career and thousands of hours of volunteer community work have been spent seeking to protect constitutional rights and the rights of vulnerable persons.

I support HB 950 because it will make our Assisted Community Treatment (“ACT”) law more effective for those most in need, ie, those with very serious mental illness and/or severe substance abuse, who lack decisional authority. This bill will increase the likelihood that these persons will receive early intervention and appropriate care and treatment in the least restrictive setting. We have miracles of modern medicine that can treat even the most severe mental illnesses. But treatment requires either actual consent or legal procedures for ordering appropriate treatment. We owe it to these individuals to provide them life-saving treatment to stabilize them and help treat their mental illness.

This bill will help us better address these needs by extending the time period the family court can order Assisted Community Treatment, from one year to two years.

For persons suffering from severe mental illness who meet the criteria for assisted community treatment, their period of appropriate supervision and treatment often exceeds the current one year limit, requiring the parties to come back into court seeking another one year period. This amendment will obviate the need for instituting new court proceedings, while retaining protections already in our ACT law for discharging patients from ACT orders where the criteria for the ACT order no longer exist.

Thank you for your consideration of my testimony and helping protect our most vulnerable residents.

Ellen Godbey Carson
Honolulu, Hawaii
February 28, 2023