

STAND. COM. REP. NO.

1053

Honolulu, Hawaii

MAR 03, 2023

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

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1156, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Authorize the provision of long-acting psychotropic medication to patients who are subject to emergency examination or emergency hospitalization;
- (2) Authorize a psychiatric facility or hospital where a patient is held to request the Director of Health to file a petition for an order for treatment over the patient's objection;
- (3) Expand who may join in a petition for a request for treatment over a patient's objection under certain circumstances;
- (4) Expand the administration of treatment over a patient's objection to include persons who are in the custody of the Director of Health at any hospital, under certain conditions;

2023-2387 HB1156 HD2 HSCR HMSO



- (5) Authorize psychiatrists or advanced practice registered nurses, after examination of a person for assisted community treatment indication, to request the Director of Health to file an assisted community treatment petition;
- (6) Authorize interested parties to request the Director of Health to file an assisted community treatment petition on behalf of the interested party;
- (7) Require the Director of Health to review requests for petitions expeditiously and either pursue a petition or convene an administrative panel;
- (8) Require the Family Court to file a final order on an assisted community treatment petition within thirty days of the date the petition is filed;
- (9) Authorize the Family Court to use online hearings for assisted community treatment petitions; and
- (10) Authorize the subject of a petition to stipulate to the proposed order for treatment and the Family Court to enter the stipulated order without an evidentiary hearing.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and one individual. Your Committee received testimony in opposition to this measure from the Hawaii Disability Rights Center and one individual. Your Committee received comments on this measure from the Judiciary, Department of Health, The Queen's Health System, and one individual.

Your Committee finds that this measure would support the timely provision of treatment and care for individuals who lack decisional capacity by expanding and expediting the process to establish authorization to treat the patient over their objection, finalizing petitions for assisted community treatment, and reducing the time to initiate treatment.

Your Committee has amended this measure by:



- (1) Allowing behavioral health crisis centers to request the Director of Health to file a petition for an order for treatment over the patient's objection or convene an administrative panel in emergency examinations;
- (2) Inserting language to require the Department of Health to submit a report on the number of requests for petitions for assisted community treatment submitted to the Director of Health since July 1, 2023, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2025; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1156, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1156, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



