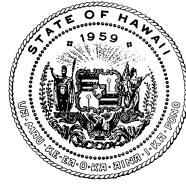


JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

KENNETH S. FINK, M.D., M.G.A., M.P.H.
DIRECTOR OF HEALTH
KA LUNA HO'OKELE

Testimony COMMENTING on S.B. 323
RELATING TO MENTAL HEALTH.

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATOR HENRY J. C. AQUINO, VICE CHAIR

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

Hearing Date: February 10, 2025, 1:20 PM Room Number: 225

1 **Department Position:** The Department of Health (Department) offers comments on this
2 measure.

3 **Department Comments:** The Hawaii State Hospital (HSH) provides the following comments on
4 behalf of the Department and the Adult Mental Health Division (AMHD).

5 This measure intends to amend Chapter 334 of the Hawaii Revised Statutes to allow
6 individuals, including minors, intoxicated, under the influence, or incapacitated by substances,
7 to voluntarily admit themselves to a psychiatric facility or behavioral health crisis center for an
8 emergency evaluation to determine the need for treatment.

9 Similar processes are already in place at many psychiatric facilities and the Behavioral
10 Health Crisis Center (BHCC). The Hawai'i State Hospital is a forensic, inpatient psychiatric
11 facility; therefore, should this bill advance, the HSH respectfully requests that it be exempted
12 from the bill's requirements.

13 Thank you for the opportunity to provide comments on this measure.



SB323 Substance Abuser Voluntary Admit to Psychiatrics or Crisis Center

COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair

Senator Henry J.C. Aquino, Vice Chair

Monday, Feb 10, 2025: 1:20: Room 225 Videoconference

Hawaii Substance Abuse Coalition Supports SB323:

ALOHA CHAIR, VICE CHAIR, AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies and recovery-oriented services.

Please note that a person or minor may voluntarily admit themselves to a co-occurring disorder (mental health and substance abuse) residential treatment center, even if they don't have funding or a payment mechanism, **provided they are in a stable condition.**

Those places are

1. Hina Mauka,
2. Po'ailani,
3. Sand Island, all on Oahu, and
4. Aloha House on Maui.
5. Bobby Benson Center specializes in services for adolescents

However, if an intoxicated and **incapacitated person is in crisis** such as methamphetamine/alcohol patients suffering from a drug induced psychosis, **treatment agencies would recommend one of the new crisis centers, especially if it is also a psychiatric facility.**

We support that such an unstable individual may voluntarily go to an appropriate crisis center for stabilization.

At this time, the Queen psychiatric emergency department is already voluntary.

Once stabilized and with an emergency evaluation that recommends treatment, then the **referral would generally be to the most appropriate treatment centers for co-occurring disorders, which are the abovementioned treatment centers.**

We appreciate the opportunity to provide testimony and are available for further questions.



THE QUEEN'S HEALTH SYSTEMS

To: The Honorable Joy San Buenaventura, Chair
The Honorable Henry Aquino, Vice Chair
Members, Senate Committee on Health & Human Services

From: Sondra Leiggi Brandon, VP of Behavioral Health and Patient Care, The Queen's Health Systems.

Jacce Mikulanec, Director, Government Relations, The Queen's Health Systems

Date: February 10, 2025

Re: Opposition to SB323 – Relating to Mental Health

The Queen's Health Systems (Queen's) is a nonprofit corporation that provides expanded health care capabilities to the people of Hawai'i and the Pacific Basin. Since the founding of the first Queen's hospital in 1859 by Queen Emma and King Kamehameha IV, it has been our mission to provide quality health care services in perpetuity for Native Hawaiians and all of the people of Hawai'i. Over the years, the organization has grown to four hospitals, and more than 10,000 affiliated physicians, caregivers, and dedicated medical staff statewide. As the preeminent health care system in Hawai'i, Queen's strives to provide superior patient care that is constantly advancing through education and research.

Queen's appreciates the intent behind of SB323, which would authorize a person intoxicated by alcohol, under the influence of drugs, or incapacitated by substances, including a minor, to voluntarily admit themselves to a psychiatric facility or a behavioral health crisis center for an emergency evaluation to determine need for treatment. However, it is our understanding that current statute and clinical practice already allow for the types of treatment and/or services to be provided and therefore the proposed language is unnecessary, duplicative, and/or could confuse or complicate existing practice.

Thank you for the opportunity to testify on SB323.

The mission of The Queen's Health System is to fulfill the intent of Queen Emma and King Kamehameha IV to provide in perpetuity quality health care services to improve the well-being of Native Hawaiians and all of the people of Hawai'i.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Third Legislature, State of Hawaii
Senate of the Legislature of the State of Hawaii
Committees on Health and Human Services

Testimony by
Hawaii Government Employees Association

February 10, 2025

S.B. 323 – RELATING TO MENTAL HEALTH

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly **opposes** S.B. 323 which authorizes a person intoxicated by alcohol, under the influence of drugs, or incapacitated by substances, including a minor, to voluntarily admit themselves to a psychiatric facility or a behavioral health crisis center for an emergency evaluation to determine need for treatment.

While the purpose and intent to S.B. 323 is admirable, in effect, the passage of this bill into law would place a legal obligation on psychiatric facilities and behavioral health crisis centers to accept all people intoxicated by alcohol, under the influence of drugs, or incapacitated by substances, twenty four hours a day, three hundred and sixty five days a year, without forewarning. These legal obligations are likely to put a severe strain on already limited resources, exacerbate the already severe shortage of active healthcare professionals, and require all psychiatric facilities and behavioral health crisis centers to maintain a large surplus of open rooms and available healthcare professionals to provide these services on demand.

In some cases, this could require psychiatric facilities and behavioral health crisis centers to build new buildings and annexes to accommodate those admittees and provide them care. This is an expense that many psychiatric facilities and behavioral health crisis centers simply cannot afford.

This will also place healthcare professionals in danger because people intoxicated by alcohol, under the influence of drugs, or incapacitated by substances, inherently pose a threat to all of those whom they interact with while intoxicated, under the influence, and/or incapacitated.

This is to say nothing of the question of whether a person who is intoxicated, under the influence, and/or incapacitated can truly give the consent necessary to render their admission "voluntary".

Accordingly, the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO reiterates its opposition to S.B. 323, and encourages you to vote in opposition to S.B. 323.

We appreciate your consideration of our testimony in **opposition** of S.B. 323.

Respectfully submitted,

Randy Perreira
Executive Director

SB-323

Submitted on: 2/9/2025 12:57:29 PM

Testimony for HHS on 2/10/2025 1:20:00 PM

Submitted By	Organization	Testifier Position	Testify
Veronica Moore	Individual	Oppose	Written Testimony Only

Comments:

To: Senator Joy San Buenaventura, Chair

Senator Henry Aquino, Vice Chair

Senate Committee on Health and Human Services

Senate Committee on Judiciary

From: Veronica Moore, Individual Citizen

Date: February 9, 2025

RE: Upcoming Hearing for SB323

Measure Title: RELATING TO MENTAL HEALTH.

Report Title: DOH; Mental Health; Intoxication; Incapacity; Voluntary Treatment

To All Concerned,

My name is Veronica Moore and I oppose Senate Bill 323 because it is inherently flawed. The amended section of part IV reads as follows:

"(a) A person intoxicated by alcohol, under the influence of drugs, or incapacitated by substances, including a minor, may voluntarily admit themselves to a psychiatric facility or a behavioral health crisis center for an emergency evaluation to determine need for treatment."

The definitions of Section 2 are listed below:

""Incapacitated by alcohol" means that a person, as a result of the use of alcohol, is unconscious or so impaired that the person is incapable of making rational decisions with respect to their need for treatment, is unable to provide for their basic personal needs or safety, or lacks sufficient understanding or capacity to make or communicate rational decisions.

"Incapacitated by drugs" means that a person, as a result of the use of drugs, is unconscious or so impaired that the person is incapable of making rational decisions with respect to their need for treatment, is unable to provide for their basic personal needs or safety, or lacks sufficient understanding or capacity to make or communicate rational decisions.

"Incapacitated by substances" means that a person is incapacitated by alcohol or incapacitated by drugs.

"Person under the influence of drugs" means any person whose mental or physical functioning is temporarily but substantially impaired as a result of the presence of drugs in the person's body."

Starting with the last definition, is it rational to assume that a person "whose mental or physical functioning...is **substantially** impaired" due to drug use will voluntarily transport themselves (or secure transportation) to a psychiatric facility or a behavioral health crisis center, and then admit themselves for an emergency evaluation to determine their need for treatment?

For those incapacitated by substances, would it be realistic to believe that a person who is

- 1) *unconscious* or
- 2) *so impaired* that *the person is incapable of making rational decisions*
with respect to their need for treatment,
- 3) *unable to provide for their basic personal needs or safety,* or
- 4) *lacks sufficient understanding or capacity to make or communicate*
rational decisions

will voluntarily, and safely, transport themselves, or effectively communicate their need for transportation, provide instruction regarding where they need to be transported, arrive safely at the psychiatric facility or a behavioral health crisis center, and then voluntarily and effectively communicate their desire to be admitted for an evaluation to identify the best treatment for their needs?

This bill is proposing that unrealistic expectations be placed on individuals whose problem-solving skills (i.e., ability to identify basic, personal needs and knowing how to meet those needs) and decision-making abilities have either diminished significantly or are nonexistent due to the impact of alcohol and/or drugs. This notion has great implications for individuals that commit crime *after* experiencing alcohol intoxication, or that were under the influence of drugs, or incapacitated by substances when the crime was committed.

Ultimately, no one would expect a newborn baby after being born to clean and clothe itself, walk out of the hospital, know where home is and then drive there, feed itself, change its diaper, and then put itself to bed. Just as a newborn baby is exceedingly vulnerable and incapable of taking care of itself, individuals incapacitated by alcohol and/or drugs, per the definitions given

above, are similarly vulnerable and should not be expected to initiate the process for obtaining treatment alone.

Although I cannot support this bill in its current state, I appreciate the opportunity to present testimony regarding it. Thank you.

Sincerely,

Veronica M. Moore