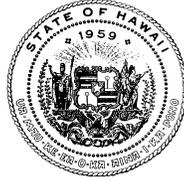


SB2008

Measure Title: RELATING TO SERVICE AREA BOARDS.
Report Title: Service Area Boards; Mental Health and Substance Abuse
Description: Amends statutory provisions relating to quorum requirements for service area boards on mental health and substance abuse.
Companion:
Package: None
Current Referral: CPH, WAM
Introducer(s): CHUN OAKLAND, Baker, Espero, Riviere, Wakai



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
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Testimony SUPPORTING SB2008
Relating to Service Area Boards

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION AND HEALTH
Hearing Date: February 2, 2016, 8:30 a.m. Room Number: 229

1 **Fiscal Implications:** None.

2 **Department Testimony:** This measure proposes statutory changes relating to quorum
3 requirements for service area boards on mental health and substance abuse.

4 The Department of Health supports this measure, which will allow the Service Area
5 Boards on Mental Health and Substance Abuse (SAB) to conduct meetings and meet quorum in
6 compliance with the State's requirements for public meetings (Chapter 92, Hawaii Revised
7 Statutes).

8 Based on the attendance records for the SABs, in Fiscal Year 2015, many of them were
9 unable to meet due to a lack of quorum, and only two out of the four boards held official
10 meetings. Thus, the re-definition of quorum will enable the SABs to deliberate and make
11 decisions on issues affecting each county, based on the number of currently confirmed members
12 and not based on the number of vacancies.

13 We thank you for the opportunity to provide testimony on this measure.

14 **Offered Amendments:** The Department offers the following amendment to the statute on page
15 1, line 3, "§334-10, Service area boards. (a) A service area board shall

1 be established, within the department of health for administrative
2 purposes, to advise each service area administrator."

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
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250 SOUTH HOTEL STREET, SUITE 107
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To: Senate Committee on Commerce, Consumer Protection, and Health

From: Cheryl Kakazu Park, Director

Date: February 2, 2016, 8:30 a.m.
State Capitol, Conference Room 229

Re: Testimony on S.B. No. 2008
Relating to Service Area Boards

Thank you for the opportunity to submit testimony on this bill. The Office of Information Practices (“OIP”) takes no position on the substance of this bill, which would amend statutory quorum requirements for service area boards on mental health and substance abuse, but instead is testifying about a legal problem with the bill language and recommends a technical amendment.

The proposed section 334-11(e), HRS, at bill page 3, lines 8-12, would create a general rule that an affirmative vote of a majority of members present would constitute a valid act of the board, with exceptions for situations where the vote of a greater number of members is required by another provision of chapter 334 or the board’s articles or bylaws. As proposed, this section would create a conflict of laws with two specific provisions of the Sunshine Law, part I of chapter 92, HRS. Section 92-4 of the Sunshine Law requires the favorable vote of 2/3 of members present (and a majority of all those to which the board is entitled) for a board to go into executive session, and section 92-7 requires the favorable vote of 2/3 of all members to which a board is entitled for a board to add an issue to its agenda. By contrast, this proposed section would arguably provide that a service area board

could vote to go into executive session or to add an issue to its agenda with only a majority of members present. To avoid such a conflict, which would require OIP's time and resources to determine whether the proposed section created an exception to the Sunshine Law's usual requirements, OIP recommends that this Committee add a reference to part I of chapter 92 as one of the exceptions to the general rule that a majority vote of members present is sufficient for the board to act. **OIP recommends that lines 10-12 be amended** to read ". . . constitute a valid act of a board unless this chapter, **part I of chapter 92**, the articles, or the bylaws require the vote of a greater number of members."

Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
STATE COUNCIL ON MENTAL HEALTH
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In reply, please refer to:
File: DOHAMHD

MEMORANDUM

CHAIRPERSON
Haaheo Mansfield

1st VICE CHAIRPERSON
Marie Vorsino, Psy.D.

2nd VICE CHAIRPERSON
Sandra Simms,
(Ret. Judge)

SECRETARY
Louise Crum

TO: The Honorable Rosalyn H. Baker, Chair
The Honorable Michelle N. Kidani, Vice Chair
State Committee on Commerce, Consumer Protection, and Health

FROM: Haaheo Mansfield, Chair, State Council on Mental Health

SUBJECT: SB2008, Relating to Service Area Boards

HEARING: Tuesday, February 2, 2016
State Capitol, Conference Room 229

MEMBERS:

POSITION: **Strongly Supports SB2008**

Alfred Arensdorf, M.D.

Sheila Calcagno

Cyndi Dang, Psy.D.

Charlene Daraban

G. Mike Durant

Susan Foard

Chad Koyanagi, M.D.

Frances (Elaine) Lyons

Theresa Minami

Noelani Wilcox, APRN

According to Chapter 334-10, Hawaii Revised Statutes (HRS), the Governor shall ensure that all service area boards (SAB) of the State are represented on the State Council on Mental Health (SCMH). These board representatives are an integral part of the SCMH as they share reports, activities and concerns regarding their respective county. They also help to raise awareness about mental illness, identify local needs, and evaluate community-based mental health services on each county for input in the development of the comprehensive integrated service plans.

EX-OFFICIO:

Unfortunately, most of the boards are struggling to achieve quorum to conduct business, and as a result, are losing valuable volunteers due to discouragement and frustration. For instance, the Maui and Hawaii SABs achieved quorum 50 percent of all meetings during the last fiscal year, while the Oahu and Kauai SABs were unable to conduct official business.

Lynn N. Fallin
Deputy Director for
Behavioral
Health Administration

In order to support these SABs, the SCMH urge the Senate Committee to consider amending the definition of quorum to allow these boards to be able to conduct board business in compliance with Chapter 92, HRS. Further, the SCMH supports the inclusion of language that the SABs and the Council are administratively attached to the Department of Health.

Thank you for this opportunity to testify on this bill in support of the service area boards.