

# S.B. NO. 2885

JAN 23 2014

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## A BILL FOR AN ACT

RELATING TO CORRECTIONAL HEALTH CARE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**


1 SECTION 1. Section 353C-4.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[+]§353C-4.5[+] **Correctional health care program.** There  
4 is established a correctional health care program within the  
5 department. The administrator of the correctional health care  
6 program, the mental health branch administrator, mental health  
7 section administrators, and physicians who provide care to  
8 inmates shall be appointed by the director without regard to  
9 [+]chapter 76[+]."

10 SECTION 2. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act, upon its approval, shall take effect  
13 on July 1, 2014.

14  
15 INTRODUCED BY:



16 BY REQUEST  
17

S.B. NO. 2885

**Report Title:**

Correctional Health Care; Appointment of Administrators

**Description:**

Allows the Director of Public Safety to appoint the Mental Health Branch Administrator and Mental Health Section Administrators without regard to Chapter 76, Hawaii Revised Statutes.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

# SB. NO. 2885

## JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO CORRECTIONAL HEALTH CARE.

PURPOSE: To allow the Director of the Department of Public Safety (PSD) to appoint the Mental Health Care Branch Administrator and Mental Health Care Section Administrators without regard to chapter 76, Hawaii Revised Statutes (HRS).

MEANS: Amend section 353C-4.5, HRS.

JUSTIFICATION: In December 2008, the Department of Public Safety (PSD) entered into a settlement agreement with the United States Department of Justice to improve mental health services available to persons incarcerated at the Oahu Community Correctional Center (OCCC). Since that time, substantial improvements have been made including the creation of additional positions to manage mental health services statewide.

Filling these positions has been a challenge due to the unique nature of providing mental health services within the correctional setting. Chronically mentally ill inmates most often have histories of failed treatment within the community, resulting in the escalation of antisocial and criminal behavior that brings them into the criminal justice system. Disruptive behavior is more prevalent among the incarcerated mentally ill and challenging to manage than those committed to the State Hospital or other mental health treatment facilities.

Given the attributes of the population and that services are located within

correctional facilities, the Department has had to aggressively recruit qualified candidates and offer salaries that are commensurate with experience through contracts rather than filling positions authorized through the budget.

To resolve this dilemma, the Department is requesting the Mental Health Care Branch Administrator and Mental Health Care Section Administrator positions be exempt from civil service.

Impact on the public: None.

Impact on the department and other agencies: The Department will be able to attract more qualified candidates for these positions.

GENERAL FUND: None.  
OTHER FUNDS: None.  
PPBS PROGRAM DESIGNATION: PSD 421  
OTHER AFFECTED AGENCIES: None.  
EFFECTIVE DATE: July 1, 2014.