

STAND. COM. REP. NO. 990

Honolulu, Hawaii

March 20, 2015

RE: S.B. No. 961
S.D. 2
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 961, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH TREATMENT,"

begs leave to report as follows:

The purpose of this measure is to amend petition and hearing procedures for assisted community treatment. Specifically this measure, among other things:

- (1) Removes the ten-day limit for setting a hearing date after the filing of a petition for assisted community treatment;
- (2) Amends petition and hearing notice requirements;
- (3) Specifies hearing circumstances under which a guardian ad litem, public defender, or other court-appointed counsel may be appointed to assist a subject of a petition;
- (4) Removes provisions allowing the court to order a subject be examined by a licensed psychiatrist; and
- (5) Requires treating providers to provide information related to emergency mental health examinations and

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hospitalizations to the Department of Health for reporting purposes.

The Department of Health, PHOCUSED, Mental Health America of Hawaii, Chinatown Business & Community Association, and numerous individuals testified in support of this measure. The Hawaii Association of Professional Nurses testified in support of this measure and provided amendments. The Office of the Public Defender testified in opposition to this measure. The Department of the Attorney General, Hawaii Disability Rights Center, and an individual provided comments.

Your Committee notes that concerns were raised by the Office of the Public Defender regarding amended notice provisions authorizing subsequent hearing notices to be served upon the Office of the Public Defender rather than the subject of the petition.

Your Committee notes that the Office of the Public Defender also raised concerns regarding the mandate established by this measure that the Office of the Public Defender represent all involuntary outpatient petition subjects, without either a referral from the court or court approval. Although your Committee addressed some of these concerns in amendments made to this measure, should the Committee on Judiciary consider this measure, your Committee respectfully requests that the Committee on Judiciary further examine both of these issues.

Your Committee has amended this measure by:

- (1) Specifying that notice of subsequent hearings shall be served in accordance with:
 - (A) The requirements of the initial notice of hearing; and
 - (B) All applicable family court rules relating to service of notice, including that service need not be made on parties in default for failure to appear;
- (2) Specifying timing requirements for psychiatric assessments used in a hearing to commit a subject of a petition to receive assisted community treatment; and



- (3) Changing its effective date to July 1, 2112, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 961, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 961, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Health,

Della Au Belatti

DELLA AU BELATTI, Chair



State of Hawaii
House of Representatives
The Twenty-eighth Legislature

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Record of Votes of the Committee on Health

Bill/Resolution No.: <i>SB 961 SD 2</i>	Committee Referral: <i>HLT, J4D, FIN</i>	Date: <i>3/18/15</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. BELATTI, Della Au (C)	✓			
2. CREAGAN, Richard P. (VC)	✓			
3. HASHEM, Mark J.	✓			
4. JORDAN, Jo		✓		
5. KOBAYASHI, Bertrand	✓			
6. MORIKAWA, Dee	✓			
7. OSHIRO, Marcus R.	✓			
8. FUKUMOTO CHANG, Beth		✓		
9. TUPOLA, Andria P.L.				✓
TOTAL (9)	<i>6</i>	<i>2</i>		<i>1</i>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <i>Rick</i> _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				