

STAND. COM. REP. NO. 398

Honolulu, Hawaii

FEB 20 2015

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

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committees on Health and Human Services and Housing, to which was referred S.B. No. 961 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Remove the ten-day time limit for setting a hearing date on a petition for assisted community treatment;
- (2) Allow for notice of continuation hearings to the subject to be served via the public defender;
- (3) Require the court to appoint a guardian ad litem when the subject of a petition for assisted community treatment fails to appear at a hearing;
- (4) Remove provisions governing the appointment of a public defender; and
- (5) Remove provisions allowing the court to order a subject to be examined by a licensed psychiatrist.

Your Committees received testimony in support of this measure from the Department of Health; Hawaii Disability Legal Services, LLC; Mental Health America of Hawaii; Hawaii Association of Professional Nurses; The Institute for Human Services, Inc.; PHOCUSED; and National Association of Social Workers, Hawaii

2015-1459 SSCR SMA.doc



Chapter. Your Committees received comments on this measure from the Judiciary and Hawaii Disability Rights Center.

Your Committees find that Hawaii's mental health system is difficult to navigate, resulting in individuals with serious mental illness often getting arrested for petty crimes, utilizing emergency services at higher rates, or becoming homeless as a result of their mental illness. This measure strengthens Hawaii's assisted community treatment law to reduce hospitalization and incarceration rates of persons with mental illness.

Your Committees have amended this measure by:

- (1) Amending language to allow a court to proceed with a hearing at its discretion in the event a subject of a petition has been served and does not appear at the hearing, instead of appointing a guardian ad litem to represent the subject;
- (2) Inserting language that specifies representation provisions by a public defender or other court-appointed counsel for a subject of a petition;
- (3) Amending Act 221, Session Laws of Hawaii 2013, to require treating providers to provide the Department of Health information related to MH-1s and hospitalization of persons who are under an order to treat by September 30 of each year; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Health and Human Services and Housing that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 961, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 961, S.D. 1, and be referred to the Committees on Judiciary and Labor and Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Health and Human
Services and Housing,

Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair

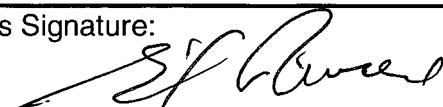
Josh Green

JOSH GREEN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services and Housing
HSH

Bill / Resolution No.:* SB 961	Committee Referral: HTH/HSH, JDL/WAM	Date: 2/11/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	X			
GREEN, Josh (VC)				X
HARIMOTO, Breene	X			
RIVIERE, Gil	X			
SLOM, Sam				X
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes