

Honolulu, Hawaii

APR 26 2019

RE: S.B. No. 1124  
S.D. 2  
H.D. 1  
C.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1124, S.D. 2, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to clarify requirements for petitions, procedures, and hearings for involuntary hospitalization and assisted community treatment to promote mental health treatment. Specifically, this measure:

- (1) Clarifies that the definition of "dangerous to self" includes the inability to satisfy the need for treating mental illness;
- (2) Specifies that the Attorney General may decline to present a case for involuntary hospitalization if the Attorney General determines that the case lacks merit;



- (3) Requires the administrator or attending physician of a psychiatric facility to assess whether an assisted community treatment plan is indicated upon a patient's discharge from involuntary hospitalization;
- (4) Requires a licensed psychiatrist or advanced practice registered nurse to prepare the certificate and notify the Department of the Attorney General if an assisted community treatment plan is indicated upon a patient's discharge from involuntary hospitalization;
- (5) Requires the Department of the Attorney General to assist with the petition for assisted community treatment and related court proceeding;
- (6) Amends the content of the petition, criteria for certificate of examination by a licensed mental health provider, and criteria for initiation of proceedings for assisted community treatment; and
- (7) Appropriates funds for the establishment and appointment of two Deputy Attorneys General and support staff to assist with petitions for assisted community treatment.

Your Committee on Conference finds that although the State's assisted community treatment law was enacted in 2013 to help individuals with serious mental illness obtain the treatment and medication they need, fewer than ten orders for court-mandated treatment plans have been issued in the past five years. This measure is intended to encourage the use of assisted community treatment by requiring facilities to assess whether an assisted community treatment plan is indicated for a mental health patient at the time of the patient's discharge, allowing more flexibility on the part of the family courts, and clarifying provisions of mental health treatment law.

Your Committee on Conference has amended this measure by:

- (1) Requiring a licensed psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization, rather than the administrator or attending physician of the psychiatric facility, to assess whether an assisted



community treatment plan is indicated at the time of a patient's discharge from a psychiatric facility;

- (2) Expanding the scope of this measure to apply to individuals delivered for emergency examination or emergency hospitalization or voluntarily admitted to inpatient treatment;
- (3) Removing language that would have amended the notice requirement for petitions for involuntary hospitalization;
- (4) Removing the requirement that the Department of the Attorney General assist with petitions for involuntary hospitalization and assisted community treatment and related court proceedings;
- (5) Reverting to existing statutory language that permits a petition for assisted community treatment to be accompanied by a certificate from a psychiatrist or advanced practice registered nurse who has examined the subject of an assisted community treatment petition within twenty calendar days prior to filing the petition;
- (6) Removing the appropriation;
- (7) Changing the effective date to July 1, 2019; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1124, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1124, S.D. 2, H.D. 1, C.D. 1.



Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

*John M. Mizuno*

JOHN M. MIZUNO

Co-Chair

*Rosalyn H. Baker*

ROSALYN H. BAKER

Chair

*Chris Lee*

CHRIS LEE

Co-Chair

*Karl Rhoads*

KARL RHOADS

Co-Chair

*Bertrand Kobayashi*

BERTRAND KOBAYASHI

Co-Chair

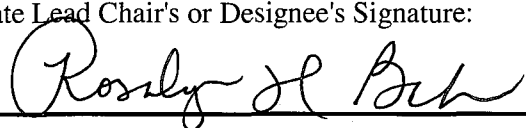
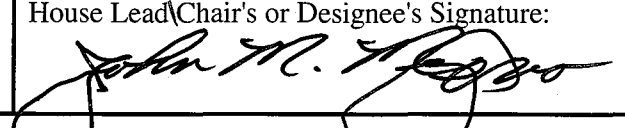
*Five*



Hawai'i State Legislature

CCR169

Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>SB 1124, SD 2, HD 1</b>					Date/Time: 2:57P 4-26-2019						
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).											
<input type="checkbox"/> The Committee is reconsidering its previous decision.											
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.						
Senate Managers		A	WR	N	E	House Managers		A	WR	N	E
BAKER, Rosalyn H., Chr.		✓				MIZUNO, John M., Co-Chr.		✓			
RHOADS, Karl, Co-Chr.		✓				LEE, Chris, Co-Chr.		✓			
FEVELLA, Kurt					✓	KOBAYASHI, Bertrand, Co-Chr.		✓			
						WARD, Gene		✓			
TOTAL		2	-	-	1	TOTAL		4	-	-	-
A = Aye		WR = Aye with Reservations			N = Nay			E = Excused			
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted						House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					
Senate Lead Chair's or Designee's Signature: 						House Lead Chair's or Designee's Signature: 					
Distribution:		Original File with Conference Committee Report			Yellow House Clerk's Office		Pink Senate Clerk's Office		Goldenrod Drafting Agency		