STAND. COM. REP. NO. 18

Honolulu, Hawaii March 21, 2015 RE: S.B. No. 812 S.D. 2 H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 812, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BEHAVIOR SUPPORT REVIEW COMMITTEE FOR PERSONS WITH DEVELOPMENTAL OR INTELLECTUAL DISABILITIES, "

begs leave to report as follows:

The purpose of this measure is to ensure that behavior intervention, such as the use of restraint or seclusion, is implemented safely and appropriately by:

- Authorizing the Department of Health (Department) to establish a behavior support review process to conduct multidisciplinary reviews of the restraint or seclusion of persons with developmental or intellectual disabilities; and
- (2) Specifying that individuals participating in the Department's multidisciplinary review shall not be questioned in any civil or criminal proceeding regarding information presented in, or opinions formed, as a result of meetings of the multidisciplinary review.

The Department of Health and the State Council on Developmental Disabilities supported this measure. The Hawaii Association for Justice opposed this measure.

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Your Committee has amended this measure by:

- (1) Replacing the provisions that prohibited the questioning of any individual that participated in the Department's review of restraint or seclusion of persons with developmental or intellectual disabilities with provisions that provide for civil immunity for the acts of the Department's behavior support review committee;
- (2) Clarifying that unless required by court order, information gathered by the Department is not subject to subpoena, discovery, or introduction into evidence;
- (3) Changing the effective date to upon its approval; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 812, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 812, S.D. 2, H.D. 2.

> Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair



State of Hawaii House of Representatives The Twenty-eighth Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.:Committee Referral:Date:SB 812, SD2, HD1HLT, JUP, FIN3/24/15				
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: □ Pass, unamended (as is) □ Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)				
2. SAN BUENAVENTURA, Joy A. (VC)				
3. BELATTI, Della Au				
4. BROWER, Tom				
5. CREAGAN, Richard P.				
6. HASHEM, Mark J.				
7. KAWAKAMI, Derek S.K.				
8. LEE, Chris				
9. MORIKAWA, Dee	/			
10. NAKASHIMA, Mark M.				
11. TAKAYAMA, Gregg				
12. WOODSON, Justin H.				
13. McDERMOTT, Bob				
14. THIELEN, Cynthia				
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TOTAL (14)	1/			_ ろ
The recommendation is: Adopted UNIT Adopted				
If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

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