

STAND. COM. REP. NO. 827

Honolulu, Hawaii

MAR 06 2015

RE: S.B. No. 812  
S.D. 2

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

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 812, S.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 and intent of this measure is to describe the behavior support review process and to provide behavior support review committee members with immunity from liability.

Your Committee received written comments in support of this measure from the Department of Health and the State Council on Developmental Disabilities.

Your Committee finds that the Department of Health seeks to ensure that behavior interventions are implemented appropriately in a manner to assist and support individuals receiving services and those providing support to them. Your Committee believes that the creation of a behavior support review committee is necessary to make recommendations and evaluate cases when restraints or seclusion methods are administered to individuals with intellectual or developmental disabilities who are a danger to themselves or to others. Your Committee further finds that members of a behavior support review committee should be immune from liability when participating in behavior support reviews.



Your Committee has amended this measure by:

- (1) Clarifying in the purpose section that a behavior support review committee is convened, rather than should be convened, to evaluate cases when an individual with intellectual or developmental disabilities is a danger to themself or others; and
- (2) Specifying that the behavior access review committee may access information from all providers of supports, not just residential supports.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 812, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 812, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,



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JILL N. TOKUDA, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB812 SD1	H/H/JDL, WAM	3/2/15		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
KOUCHI, Ronald D. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.				✓
ENGLISH, J. Kalani	✓			
GALUTERIA, Brickwood	✓			
HARIMOTO, Breene	✓			
INOUE, Lorraine R.	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	10	<del>0</del>	<del>0</del>	1
Recommendation: <input checked="" type="checkbox"/> Adopted <span style="margin-left: 100px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature: <span style="float: right; font-family: cursive; font-size: 1.2em;">M. D. U.</span>				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <span>Original File with Committee Report</span> <span>Yellow Clerk's Office</span> <span>Pink Drafting Agency</span> <span>Goldenrod Committee File Copy</span> </div>				

\*Only one measure per Record of Votes