

STAND. COM. REP. NO. 1652

Honolulu, Hawaii

APR 09 2021

RE: H.B. No. 310
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 310, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose and intent of this measure is to require assessment of patients who are subject to emergency hospitalization, diagnosed with a mental illness or severe substance use disorder, and found to be lacking decisional capacity to determine if a surrogate or guardian needs to be appointed to make appropriate health care decisions for the patient.

Your Committees received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu; Hina Mauka; Hawai'i Psychological Association; The Institute for Human Services, Inc.; and five individuals. Your Committees received testimony in opposition to this measure from one individual. Your Committees received comments on this measure from the Office of the Public Defender, Hawai'i Disability Rights Center, and The Queen's Health Systems.

Your Committees find that many persons suffering from serious mental illness do not receive timely and appropriate care or treatment because emergency response procedures in the State

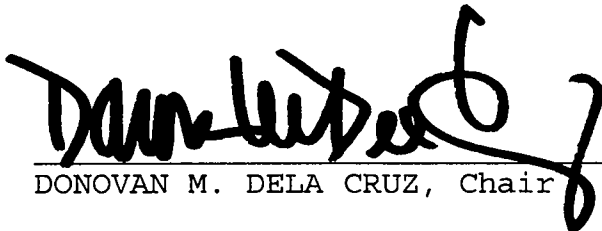


generally do not permit involuntary emergency hospitalization except in very narrow circumstances. Your Committees further find that these procedures often result in a cycle of crisis response and short-term emergency treatment, after which the person receives no further care. This measure will increase the likelihood that persons suffering from serious mental illness or severe substance abuse will receive timely and appropriate care and treatment, whether when brought to an emergency department for evaluation, hospitalized in a psychiatric facility under an emergency hospitalization or involuntary commitment order, or while being considered for assisted community treatment, by requiring the assessment of certain patients subject to emergency hospitalization to determine if a surrogate or guardian should be appointed to make appropriate health care decisions for the patient.

Your Committees note that for certain types of mental illness, inability to recognize one's own illness is a classic symptom and that without involuntary treatment, it may not be possible for such an individual to receive any treatment until the person has seriously hurt themselves or someone else.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 310, H.D. 2, S.D. 1, and recommend that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,


DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair



