

STAND. COM. REP. NO. 771

Honolulu, Hawaii

, 2023

FEB 17

RE: H.B. No. 1156
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health & Homelessness, to which was referred H.B. No. 1156 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Authorize the provision of long-acting psychotropic medication to patients who are subject to emergency examination or emergency hospitalization;
- (2) Authorize a psychiatric facility or hospital where a patient is held to request the Director of Health to file a petition for an order for treatment over the patient's objection;
- (3) Require the Director of Health to review a request for such petition expeditiously and either pursue a petition or convene an administrative panel;
- (4) Expand who may join in a petition for a request for treatment over a patient's objection under certain circumstances; and

2023-1399 HB1156 HD1 HSCR HMSO



- (5) Expand the administration of treatment over a patient's objection to include persons who are in the custody of the Director of Health at any hospital, subject to a court order regarding fitness to proceed for a criminal trial, subject to an application for involuntary hospitalization, and subject to an emergency examination.

Your Committee received testimony in support of this measure from the Institute for Human Services, Inc.; and two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Disability Rights Center and one individual. Your Committee received comments on this measure from the Department of Health, Judiciary, and The Queen's Health Systems.

Your Committee finds that methods to establish authorization to treat are important to ensure the application of services to those persons who would benefit from treatment over their objection. Expediting the processes for obtaining authorization for treatment over objection, finalizing petitions for assisted community treatment, and reducing the time to initiate treatment will also enable individuals who have lost their decisional capacity to receive access to much-needed, timely treatment and care.

Your Committee has amended this measure by:

- (1) Authorizing psychiatrists or advanced practice registered nurses, after examination of a person for assisted community treatment indication, to request the Director of Health to file an assisted community treatment petition;
- (2) Authorizing interested parties to petition the Director of Health to file an Assisted Community Treatment petition on behalf of the interested party;
- (3) Requiring the Family Court to file a final order on a petition for Assisted Community Treatment to be filed within thirty days of the date the petition is filed;
- (4) Authorizing the Family Court to use online hearings for assisted community treatment petitions;



- (5) Authorizing the subject of a petition to stipulate to a proposed order for treatment and the Family Court to enter the stipulated order without an evidentiary hearing;
- (6) Requiring the Department of Health to report to the Legislature prior to the Regular Session of 2025, on the number of requests for petitions for Assisted Community Treatment submitted to the Director of Health;
- (7) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1156, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1156, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Health &
Homelessness,

Della A. Belatti

DELLA AU BELATTI, Chair



