



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of H.C.R. 101
REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP
TO REVIEW AND UPDATE THE RELEVANT CHAPTERS OF THE HAWAII REVISED STATUTES
THAT RELATE TO MENTAL HEALTH AND INVOLUNTARY TRANSPORT, EXAMINATION,
HOSPITALIZATION, AND TREATMENT, INCLUDING ASSISTED COMMUNITY TREATMENT**

SENATOR JOY A. SAN BUENA VENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

Hearing Date, Time and Room Number: Wednesday, April 12, 2023, 1:10 p.m., Room 225/VIDEO

1 **Fiscal Implications:** Undetermined.

2 **Department Position:** The Department supports this measure and offers comments.

3 **Department Testimony:** The Adult Mental Health Division (AMHD) provides the following
4 testimony on behalf of the Department.

5 The Department supports this measure which provides a mechanism for reviewing,
6 revising, harmonizing, and developing a cohesive set of Hawaii Revised Statutes (HRS)
7 pertaining to involuntary transport, examination, hospitalization, and assisted community
8 treatment with the goal of improving the mental health of our community.

9 The Department supports the convening of a working group to develop
10 recommendations for statutory revisions, and a report for the Legislature.

11 The Department respectfully requests that the deadline for the workgroup to submit a
12 draft to the Legislative Reference Bureau (LRB) be extended to allow for the convening of the
13 work group, scheduling of work group meetings, and drafting of the report. We suggest

1 extending the Department's deadline to provide a draft and any relevant information and
2 materials to the LRB by October 1, 2023.

3 Thank you for the opportunity to testify.

4 **Offered Amendments:**

5 Page 1, Lines 21-24

6 BE IT FURTHER RESOLVED that the working group is requested make recommendations for
7 statutory revisions that focus on those chapters relevant to mental health-related involuntary
8 assessment, care, and treatment; and

9

10 Page 3, Lines 1 – 7

11 BE IT FURTHER RESOLVED that, upon request of the working group, the Department of Health is
12 requested to assist in the preparation of the report; provided that before October 1, 2023, the
13 working group submits a draft to the Legislative Reference Bureau, including any information
14 and materials deemed necessary by the Legislative Reference Bureau, for the preparation of
15 the final report; and



The Judiciary, State of Hawai'i

Testimony to the Thirty-Second State Legislature, 2023 Regular Session

Senate Committee on Health and Human Services

Senator Joy A. San Buenaventura, Chair

Senator Henry J.C. Aquino, Vice Chair

Wednesday, April 12, 2023 at 1:10 p.m.
Conference Room 225 & Videoconference

by:

Brandon M. Kimura

Deputy Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Resolution No. and Title: House Concurrent Resolution No. 101, H.D.1 - Requesting the Department of Health to Convene a Working Group to Review and Update the Relevant Chapters of the Hawai'i Revised Statutes that Relate to Mental Health and Involuntary Transport, Examination, Hospitalization, and Treatment, Including Assisted Community Treatment

Judiciary's Position:

The Judiciary supports the intent of this measure.

The measure requests the Department of Health to convene a working group of relevant stakeholders to review and recommend revisions to chapters of the Hawai'i Revised Statutes relating to mental health and involuntary transport, examination, hospitalization, and treatment, including assisted community treatment. Its purpose is to identify statutory revisions that will serve to improve the way in which we respond to individuals with mental health challenges in our community, including those who are unable to help themselves. The Judiciary supports this effort and is committed to working collaboratively with the Legislative and Executive Branches and other stakeholders to find effective solutions.

Because the recommendations of the working group may affect criminal defendants, the Judiciary suggests that consideration be given to including representation from the Office of the Public Defender among the working group's members.

Thank you for the opportunity to testify.

Charlotte A. Carter-Yamauchi
Director

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LEGISLATIVE REFERENCE BUREAU
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415 S. Beretania Street
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Written Comments

HCR101 HD1

REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO REVIEW AND UPDATE THE RELEVANT CHAPTERS OF THE HAWAII REVISED STATUTES THAT RELATE TO MENTAL HEALTH AND INVOLUNTARY TRANSPORT, EXAMINATION, HOSPITALIZATION, AND TREATMENT, INCLUDING ASSISTED COMMUNITY TREATMENT

Charlotte A. Carter-Yamauchi, Director
Legislative Reference Bureau

Presented to the Senate Committee on Health & Human Services

Wednesday, April 12, 2023, 1:10 p.m.
Conference Room 225 & Videoconference

Chair San Buenaventura and Members of the Committee:

Good afternoon Chair San Buenaventura and members of the Committee. My name is Charlotte Carter-Yamauchi, and I am the Director of the Legislative Reference Bureau (Bureau). Thank you for providing the opportunity to submit written **comments** on H.C.R. No. 101, H.D. 1, Requesting the Department of Health to Convene a Working Group to Review and Update the Relevant Chapters of the Hawaii Revised Statutes that Relate to Mental Health and Involuntary Transport, Examination, Hospitalization, and Treatment, Including Assisted Community Treatment.

The purpose of this measure is to request that the Department of Health convene a working group to review and update the relevant chapters of the Hawaii Revised Statutes that relate to mental health and involuntary transport, examination, hospitalization, and treatment, including assisted community treatment.

The measure also requests that the working group make recommendations for statutory revisions that focus on those chapters relevant to mental health-related voluntary assessment, care, and treatment.

The measure also provides that, upon request of the working group, the Department of Health is requested to assist in the preparation of the report; provided that before August 1, 2023, the working group submits a draft to the Legislative Reference Bureau, including any information and materials deemed necessary by the Legislative Reference Bureau, for the preparation of the final report.

The measure further requests that the working group, with the assistance of the Department of Health, is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024.

The Bureau takes no position on this measure but submits the following comments for your consideration.

With respect to the Bureau's assistance to the working group, we note that the measure establishes a very convoluted and confusing process for the creation and submission of the working group's report to the Legislature, requiring the working group to work with both the Department of Health and the Bureau to create and finalize its report. According to the Department of Health's testimony before the House Committee on Health and Homelessness, the Department testified that it supported the measure and planned on convening the working group and developing a report with recommendations for statutory revisions to submit to the Legislature.

Accordingly, the Bureau respectfully requests that the measure be amended to limit the Bureau's involvement to only drafting any proposed legislation of the working group. The Bureau further requests that the measure's August 1, 2023, deadline for the working group to submit a report draft to the Bureau be amended to instead apply this deadline to the submission of a request to draft the proposed legislation to the Bureau, so that our work on the proposed legislation would not adversely impact our ability to provide our core services to Legislators for the upcoming Regular Session.

If these requested amendments are made, then the Bureau believes that the services requested under the measure would be manageable, provided that the Bureau's interim workload is not adversely impacted by too many other studies or additional responsibilities, such as conducting studies, writing or finalizing other reports, drafting legislation, or any combination of these for the Legislature or for other state agencies, task forces, or working groups that may be requested or required under other legislative measures.

Thank you again for your consideration.

HCR-101-HD-1

Submitted on: 4/9/2023 9:23:54 PM

Testimony for HHS on 4/12/2023 1:10:00 PM

Submitted By	Organization	Testifier Position	Testify
Alison Kaneshiro	Individual	Support	Written Testimony Only

Comments:

Aloha Senators of the Committee on Health and Human Services, Chairwoman Senator Buenaventura and Vice Chair Senator Aquino.

Gathering a work group to discuss and draft a plan for transport of patients to the hospital with mental health issues for exam, hospitalization and treatment is a good idea. Involuntary transport can be fraught with unintended consequences. In one study between 2009 and 2016 in North Carolina, law enforcement officers involuntarily transported one hundred thirty-six thousand two hundred forty people to the Emergency Room (ER). The majority of these people were men with a median age of thirty-seven. Of those that were transported by police to the ER, only twenty percent were admitted. Over forty-three percent of those taken to the ER had primary diagnoses of mental illness including mood disorders, schizophrenia, psychotic disorders, depressive disorders, substance or alcohol related disorders, bipolar disorder, and suicide/self-injury (Rosen & Travers, 2021).

We must remember Daniel Prude, who was having a psychotic break and died due to restraint by law enforcement. Putting together a work group to review current statutes and make recommendations of needed changes in transport appears to have a good balance of Hawaii government officials and Mental Health workers. I also feel that since police officers are most likely to have interactions with mentally ill people in the community requiring involuntary transport to the ER, they should also be included in this work group. As a nurse practitioner, I feel a Mental Health nurse practitioner be included in the group, as well.

I would also like to add that adequate training in transport of the mentally ill person be a top consideration in changes to existing statutes. We must be sure that there is no mistakes in apprehension, restraint, and transport of the mentally ill with involuntary transport to the ER for evaluation and possible admission.

I support this resolution. Mahalo for your time.

Reference

Rosen, D. L., & Travers, D. (2021). Emergency department visits among patients transported by law enforcement officers. *PloS one*, 16(1), e0244679.
<https://doi.org/10.1371/journal.pone.0244679>

