



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony in SUPPORT of H.C.R. 101 / H.R. 108
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 DELLA AU BELATTI, CHAIR
HOUSE COMMITTEE ON HEALTH AND HOMELESSNESS

Hearing Date, Time and Room Number: Thursday, March 23, 2023, 9:30 a.m., Room 329/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 Administrative Rules (HAR)
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 intends to convene a working group, develop recommendations for
10 statutory revisions, and develop a report for the Legislature.

11 The Department respectfully request that the deadline of July 31, 2023 be extended to
12 allow for the convening of the work group, scheduling of work group meetings, and drafting of

1 the report. We suggest extending the Department's deadline to October 31, 2023 to encourage
2 work group members to participate.

3 **Offered Amendments:** None.

4 Thank you for the opportunity to testify.

Charlotte A. Carter-Yamauchi
Director

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LEGISLATIVE REFERENCE BUREAU
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Written Comments

HCR101/HR108

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 House Committee on Health & Homelessness

Thursday, March 23, 2023, 10:40 a.m.
Conference Room 329 & Via Videoconference

Chair Belatti and Members of the Committee:

Good morning Chair Belatti 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.R. No. 108, 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 Bureau is requested to assist in the preparation of the working group's report; provided that before August 1, 2023, the working group submits a draft to the Bureau, including any information and materials deemed necessary by the Bureau, for the preparation of the final report.

The measure further requests that the working group, with the assistance of the Bureau, 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 Bureau is a legislative agency that exists primarily to provide comprehensive research and reference services to the Legislature. The measure anticipates that only two members of the working group will be Legislators, and it places primary responsibility for the convening of the working group with the Department of Health, an executive agency with far more extensive resources and personnel than the Bureau. Accordingly, the Bureau respectfully requests that the measure be amended to limit the Bureau's involvement only to the drafting of any legislation that may be proposed by 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 provide this deadline for the working group to submit a request for the drafting of 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.