

STAND. COM. REP. NO.

1578

Honolulu, Hawaii

MAR 24

, 2023

RE: S.B. No. 1492

S.D. 2

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 S.B. No. 1492, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require and appropriate funds for the Department of Health to track and publicly report data relating to crisis reports, emergency mental health transports, and court-ordered treatments;
- (2) Require the Department of Health to respond to reports about persons having severe mental illnesses who need assistance; assess whether the person may fulfill the criteria for assisted community treatment; and, if so, initiate the process for an assisted community treatment order;
- (3) Establish that a court's denial of a petition for involuntary commitment shall serve as notification to the Department of Health that the person should be evaluated for assisted community treatment; and

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- (4) Require the Department of the Attorney General to assist with the preparation and filing of assisted community treatment petitions and related court proceedings for private petitioners, unless the petitioner declines the assistance.

Your Committee received testimony in support of this measure from the Office of the Governor; Department of Health; Judiciary; Hawaii Substance Abuse Coalition; and Institute for Human Services, Inc. Your Committee received comments on this measure from the Department of the Attorney General and Hawaii Disability Rights Center.

Your Committee finds that assisted community treatment is a valuable tool for providing timely and necessary treatment for some individuals experiencing a mental health crisis. Your Committee further finds that improvements are needed to the State's assisted community treatment program and other methods used by the State to treat individuals suffering from untreated mental illness. This measure is intended to complement existing programs by granting the Department of Health and the judicial system additional tools to ensure that individuals struggling with mental health issues receive appropriate treatment.

Your Committee has amended this measure by:

- (1) Clarifying who must provide reports to the Department of Health on persons experiencing a mental health crisis;
- (2) Requiring the Department of Health to coordinate the process for an assisted community treatment petition with other departments or private providers as necessary, rather than requiring the Department to file the petition for assisted community treatment and specifying the requirements for coordinating this process;
- (3) Authorizing the Department of Health to contract with a service provider to coordinate the completion of an assisted community treatment petition;
- (4) Requiring the court to notify the Department of Health within twenty-four hours of a denial of a petition for involuntary commitment;



- (5) Changing the appropriation for the procurement of software and preparation of the Department of Health's website to be for Fiscal Biennium 2023-2025, rather than Fiscal Year 2023-2024 only, and amending its purpose to include the establishment of three full-time equivalent (3.0 FTE) positions;
- (6) Appropriating an unspecified sum to the Department of Health for the development and implementation of statewide media, education, and training activities for policies related to emergency examination and hospitalization and assisted community treatment for those in need of mental health intervention;
- (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.

Your Committee respectfully requests your Committee on Finance, should it deliberate on this measure, to consider an appropriation amount of \$4,000,000 for the procurement of software and preparation of the Department of Health's website for data collection and publication and the establishment of three full-time equivalent positions and \$200,000 for the development and implementation of statewide media, education, and training activities for policies related to emergency examination and hospitalization and assisted community treatment for those in need of mental health intervention.

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 S.B. No. 1492, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1492, S.D. 2, H.D. 1, and be referred to your Committee on Finance.



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

DeLa Au Belatti

DELLA AU BELATTI, Chair



Record of Votes of the Committee on Health & Homelessness

| Bill/Resolution No.: SB1492, SD2 | Committee Referral: HLT, FIN | Date: 3/22/23 | | |
|--|--|-------------------------|------|---------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) | | | | |
| HLT Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. BELATTI, Della Au (C) | / | | | |
| 2. TAKENOUCI, Jenna (VC) | / | | | |
| 3. AMATO, Terez | / | | | |
| 4. ILAGAN, Greggor | / | | | |
| 5. KOBAYASHI, Bertrand | / | | | |
| 6. MIZUNO, John M. | / | | | |
| 7. NISHIMOTO, Scott Y. | / | | | |
| 8. GARCIA, Diamond | / | | | |
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| TOTAL (8) | 8 | | | |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| (If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small> | | | | |
| Vice Chair's or designee's signature: | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |