
A BILL FOR AN ACT

RELATING TO SUBSTANCE ABUSE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Act 213, Session Laws of Hawaii 2005, created
2 the student substance abuse assessment and treatment advisory
3 task force, charged with:

4 (1) Reviewing the process by which a child who violates
5 the zero tolerance policy for drugs and alcohol in
6 public schools is referred for assessment and
7 treatment of substance abuse and excluded from school;
8 and

9 (2) Reporting its findings and recommendations, including
10 any proposed legislation, to the legislature prior to
11 the convening of the regular session of 2006.

12 Act 213 also amended the zero tolerance policy to allow a child
13 to return to school earlier than indicated in the original
14 disciplinary determination, following the completion of a
15 substance abuse assessment and any related treatment or
16 counseling.

17 Although minimum insurance benefits for substance abuse
18 treatment are statutorily required under chapter 431M, Hawaii



1 Revised Statutes, there is low utilization of these benefits
2 because insurers lack enough providers to conduct the substance
3 abuse assessments necessary to qualify individuals for covered
4 services. This is of particular concern in the case of children
5 facing substance abuse-related school discipline under the zero
6 tolerance policy.

7 The purpose of this Act is to improve the process by which
8 public school students are assessed and treated for substance
9 abuse by:

- 10 (1) Making the zero tolerance policy for public schools,
11 as amended by Act 213, permanent;
- 12 (2) Further amending the public school zero tolerance
13 policy for drugs and alcohol as recommended by the
14 student substance abuse assessment and treatment
15 advisory task force; and
- 16 (3) Allowing certified substance abuse counselors to
17 conduct assessments to qualify individuals for
18 substance abuse-related insurance benefits.

19 SECTION 2. Section 431M-1, Hawaii Revised Statutes, is
20 amended by adding a new definition to be appropriately inserted
21 and to read as follows:

1 "Certified substance abuse counselor" means a substance
2 abuse counselor certified pursuant to section 321-193(10)."

3 SECTION 3. Section 431M-4, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) Alcohol and drug dependence benefits shall be as
6 follows:

7 (1) Detoxification services as a covered benefit under
8 this chapter shall be provided either in a hospital or
9 in a nonhospital facility [~~which~~] that has a written
10 affiliation agreement with a hospital for emergency,
11 medical, and mental health support services. The
12 following services shall be covered under
13 detoxification services:

- 14 (A) Room and board;
- 15 (B) Diagnostic x-rays;
- 16 (C) Laboratory testing; and
- 17 (D) Drugs, equipment use, special therapies, and
18 supplies.

19 Detoxification services shall be included as part of
20 the covered in-hospital services, but shall not be
21 included in the treatment episode limitation, as
22 specified in subsection (a);

- 1 (2) Alcohol or drug dependence treatment through in-
2 hospital, nonhospital residential, or day treatment
3 substance abuse services as a covered benefit under
4 this chapter shall be provided in a hospital or
5 nonhospital facility. Before a person qualifies to
6 receive benefits under this subsection, a qualified
7 physician, psychologist, licensed clinical social
8 worker, certified substance abuse counselor, or
9 advanced practice registered nurse shall determine
10 that the person suffers from alcohol or drug
11 dependence, or both[-]; provided that:
- 12 (A) If the person applying for benefits under this
13 subsection faces disciplinary action under
14 section 302A-1134.6(b) or (c), the determination
15 shall be made within ten days of the person's
16 request for a determination; and
- 17 (B) The insurance or health care plan carrier may
18 contract with the department of health to
19 complete determinations for persons facing
20 disciplinary action under section 302A-1134.6(b)
21 or (c).



1 The substance abuse services covered under this
2 paragraph shall include those services [~~which~~] that
3 are required for licensure and accreditation[~~7~~] and
4 shall be included as part of the covered in-hospital
5 services as specified in subsection (a). Excluded
6 from alcohol or drug dependence treatment under this
7 subsection are detoxification services and educational
8 programs to which drinking or drugged drivers are
9 referred by the judicial system[~~7~~] and services
10 performed by mutual self-help groups; and

11 (3) Alcohol or drug dependence outpatient services as a
12 covered benefit under this chapter shall be provided
13 under an individualized treatment plan approved by a
14 qualified physician, psychologist, licensed clinical
15 social worker, or advanced practice registered nurse
16 and [~~must~~] shall be services reasonably expected to
17 produce remission of the patient's condition. An
18 individualized treatment plan approved by a licensed
19 clinical social worker or an advanced practice
20 registered nurse for a patient already under the care
21 or treatment of a physician or psychologist shall be
22 done in consultation with the physician or

1 psychologist. Services covered under this paragraph
2 shall be included as part of the covered outpatient
3 services as specified in subsection (a)."

4 SECTION 4. Act 213, Session Laws of Hawaii 2005, is
5 amended as follows:

6 1. By amending section 2 to read:

7 "SECTION 2. Section 302A-1134.6, Hawaii Revised Statutes,
8 is amended by amending subsection (f) to read as follows:

9 "(f) A child determined to be in violation of subsection
10 (b) or (c) shall be subject to the department's disciplinary
11 rules; provided that:

12 (1) The school shall administer a screening tool approved
13 by the department to determine whether there is a need
14 for the child to be referred for a substance abuse
15 assessment;

16 ~~[(1)]~~ (2) The child shall be allowed to return to school
17 earlier than the department's original disciplinary
18 determination; provided that the child gives the
19 school evidence of the following:

20 (A) A substance abuse assessment has been completed;
21 and

1 (B) The child is progressing toward clinical
2 discharge from any substance abuse treatment or
3 substance abuse counseling recommended by the
4 substance abuse assessment;

5 ~~[(+2)]~~ (3) If the substance abuse assessment finds that the
6 child does not need substance abuse treatment or
7 substance abuse counseling, the school may allow the
8 child to return to school earlier than originally
9 indicated; provided that:

10 (A) The child provides a certified copy of the
11 assessment; and

12 (B) The child's parent or legal guardian consents to
13 the child and the child's family receiving
14 follow-up counseling or other student support
15 services to be provided by the department.

16 In determining whether to allow the child to return to
17 school early, the school~~[, at a minimum,]~~
18 administrator shall ~~[take into consideration]~~ review
19 and determine the nature and severity of the offense,
20 the impact of the offense on others, ~~[and]~~ the age of
21 the offender ~~[as well as]~~, and whether the offender is
22 a repeat offender; and



1 ~~[(3)]~~ (4) For the child's first violation of subsection (b)
2 or (c), if the child provides evidence of clinical
3 discharge from the substance abuse treatment program
4 or substance abuse counseling, all records of
5 disciplinary action relating to the original offense
6 shall be expunged. For purposes of this paragraph,
7 "expunge" means a process defined by rules adopted by
8 the board in which records are segregated and kept
9 confidential, not destroyed."

10 2. By amending section 5 to read:

11 "SECTION 5. This Act shall take effect upon its approval;
12 provided that on June 30, 2006, ~~[sections 2 and]~~ section 3 of
13 this Act shall be repealed ~~[and section 302A-1134.6(f), Hawaii~~
14 ~~Revised Statutes, is reenacted in the form in which it read on~~
15 ~~the day before the approval of this Act]."~~

16 SECTION 5. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect on July 1, 2020;
19 provided that section 4 of this Act shall take effect on June
20 29, 2020.



Report Title:

Drug Assessments; Certified Substance Abuse Counselors

Description:

Makes permanent provisions allowing a child who violates the zero tolerance policy for drugs and alcohol in public schools to return to school earlier than indicated in the original disciplinary determination following the completion of a substance abuse assessment and related treatment or counseling. Requires public schools to screen students facing substance abuse-related discipline to determine if there is a need for a substance abuse assessment referral. Requires the parent or legal guardian of a child facing discipline but who has been assessed as not needing treatment to consent to follow-up counseling for the child's family. Requires school administrators to review and determine the nature and severity of the child's offense, its impact on others, the offender's age, and whether the child is a repeat offender. Allows certified substance abuse counselors to conduct substance abuse assessments qualifying individuals for substance abuse-related insurance benefits. Requires assessments to be completed within ten days for children facing substance abuse-related school discipline. (HB2212 HD2)

