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## 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  
13 child to return to school earlier than indicated in the original  
14 disciplinary determination following the completion of a  
15 substance abuse assessment and related treatment or counseling,  
16 as applicable. Although minimum insurance benefits for  
17 substance abuse treatment are statutorily required under chapter  
18 431M, Hawaii Revised Statutes, the use of these services appears



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

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

- 9 (1) Implementing amendments to the zero tolerance policy  
10 for drugs and alcohol in public schools suggested by  
11 the student substance abuse assessment and treatment  
12 advisory task force; and  
13 (2) Allowing certified substance abuse counselors to  
14 conduct assessments to qualify individuals for  
15 substance abuse-related insurance benefits.

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

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

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



1           "(b) Alcohol and drug dependence benefits shall be as  
2 follows:

3           (1) Detoxification services as a covered benefit under  
4 this chapter shall be provided either in a hospital or  
5 in a nonhospital facility which has a written  
6 affiliation agreement with a hospital for emergency,  
7 medical, and mental health support services. The  
8 following services shall be covered under  
9 detoxification services:

- 10           (A) Room and board;
- 11           (B) Diagnostic x-rays;
- 12           (C) Laboratory testing; and
- 13           (D) Drugs, equipment use, special therapies, and  
14           supplies.

15 Detoxification services shall be included as part of  
16 the covered in-hospital services, but shall not be  
17 included in the treatment episode limitation, as  
18 specified in subsection (a);

19           (2) Alcohol or drug dependence treatment through in-  
20 hospital, nonhospital residential, or day treatment  
21 substance abuse services as a covered benefit under  
22 this chapter shall be provided in a hospital or



1 nonhospital facility. Before a person qualifies to  
2 receive benefits under this subsection, a qualified  
3 physician, psychologist, licensed clinical social  
4 worker, certified substance abuse counselor, or  
5 advanced practice registered nurse shall determine  
6 that the person suffers from alcohol or drug  
7 dependence, or both[-]; provided that if the person  
8 applying for benefits under this subsection faces  
9 disciplinary action under section 302A-1134.6(b) or  
10 (c), the determination shall be made within ten days  
11 of the person's request for a determination; provided  
12 further that the insurance or health care plan carrier  
13 may contract with the department of health in  
14 completing determinations for persons facing  
15 disciplinary action under section 302A-1134.6(b) or  
16 (c). The substance abuse services covered under this  
17 paragraph shall include those services which are  
18 required for licensure and accreditation, and shall be  
19 included as part of the covered in-hospital services  
20 as specified in subsection (a). Excluded from alcohol  
21 or drug dependence treatment under this subsection are  
22 detoxification services and educational programs to



1           which drinking or drugged drivers are referred by the  
2           judicial system, and services performed by mutual  
3           self-help groups; and

4           (3) Alcohol or drug dependence outpatient services as a  
5           covered benefit under this chapter shall be provided  
6           under an individualized treatment plan approved by a  
7           qualified physician, psychologist, licensed clinical  
8           social worker, or advanced practice registered nurse  
9           and ~~must~~ shall be services reasonably expected to  
10          produce remission of the patient's condition. An  
11          individualized treatment plan approved by a licensed  
12          clinical social worker or an advanced practice  
13          registered nurse for a patient already under the care  
14          or treatment of a physician or psychologist shall be  
15          done in consultation with the physician or  
16          psychologist. Services covered under this paragraph  
17          shall be included as part of the covered outpatient  
18          services as specified in subsection (a)."

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

21          1. By amending section 2 to read:

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

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

6 (1) The school shall administer a screening tool to  
7 determine whether there is a need for the child to be  
8 referred for a substance abuse assessment;

9 ~~(1)~~ (2) The child shall be allowed to return to school  
10 earlier than the department's original disciplinary  
11 determination; provided that the child gives the  
12 school evidence of the following:

13 (A) A substance abuse assessment has been completed;  
14 and

15 (B) The child is progressing toward clinical  
16 discharge from any substance abuse treatment or  
17 substance abuse counseling recommended by the  
18 substance abuse assessment;

19 ~~(2)~~ (3) If the substance abuse assessment finds that the  
20 child does not need substance abuse treatment or  
21 substance abuse counseling, the school may allow the



1 child to return to school earlier than originally  
2 indicated; provided that:

3 (A) The child provides a certified copy of the  
4 assessment; and

5 (B) The child's parent or legal guardian consents to  
6 the child and the child's family receiving  
7 follow-up counseling or other student support  
8 services to be provided by the department.

9 In determining whether to allow the child to return to  
10 school early, the school [~~at a minimum,~~  
11 administrator shall [~~take into consideration~~] review  
12 and determine the nature and severity of the offense,  
13 the impact of the offense on others, and the age of  
14 the offender as well as whether the offender is a  
15 repeat offender; and

16 [~~(3)~~] (4) For the child's first violation of subsection (b)  
17 or (c), if the child provides evidence of clinical  
18 discharge from the substance abuse treatment program  
19 or substance abuse counseling, all records of  
20 disciplinary action relating to the original offense  
21 shall be expunged. For purposes of this paragraph,  
22 "expunge" means a process defined by rules adopted by



1           the board in which records are segregated and kept  
2           confidential, not destroyed."

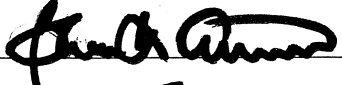


3           2. By amending section 5 to read:

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

9           SECTION 5. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11           SECTION 6. This Act shall take effect upon its approval;  
12 provided that section 4 of this Act shall take effect on June  
13 29, 2006.

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INTRODUCED BY:   
  
  
Kyle B. Berg

JAN 23 2006



HB 2212

**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.

