

JAN 25 2006

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:

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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.

