

JAN 21 2011

S.B. NO. 967

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# A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1           SECTION 1. The legislature finds that the department of  
2 health has recently implemented administrative rules that narrow  
3 the scope of people who are eligible to receive continuing  
4 services from the adult mental health division. The legislature  
5 further finds that these restrictive rules leave many people  
6 with mental health needs without access to mental health  
7 services.

8           The purpose of this Act is to add a definition of  
9 "qualifying diagnosis" to the Hawaii Revised Statutes and  
10 require the adult mental health division of the department of  
11 health to provide services to people with a qualifying  
12 diagnosis.

13           SECTION 2. Section 334-1, Hawaii Revised Statutes, is  
14 amended by adding two new definitions to be appropriately  
15 inserted and to read as follows:

16           "Qualifying diagnosis" means one of the following  
17 diagnoses:

18           (1) Schizophrenia and other psychotic disorders;



- 1        (2) Mood disorders, including recurrent major depressive  
2                    disorder and bipolar disorders;
- 3        (3) Anxiety disorders, including panic disorder with  
4                    agoraphobia, obsessive-compulsive disorder, and  
5                    post-traumatic stress disorder;
- 6        (4) Borderline personality disorder;
- 7        (5) Substance-related disorders that do not resolve in  
8                    thirty days, including alcohol-induced psychotic  
9                    disorder, amphetamine-induced psychotic disorder,  
10                   cannabis-induced psychotic disorder, cocaine-induced  
11                   psychotic disorder, hallucinogen-induced psychotic  
12                   disorder, inhalant-induced psychotic disorder,  
13                   opioid-induced psychotic disorder,  
14                   phencyclidine-induced psychotic disorder, sedative-,  
15                   hypnotic-, or anxiolytic-induced psychotic disorder,  
16                   and other or unknown substance-induced psychotic  
17                   disorders; and
- 18        (6) Co-occurring disorders, including persons with severe  
19                   and persistent mental illness and a substance abuse  
20                   disorder, and persons with severe and persistent  
21                   mental illness and diagnosis of mild mental  
22                   retardation.



1       "Severe and persistent mental illness" means a qualified  
2 diagnosis, as defined in this section, that results in  
3 emotional, cognitive, or behavioral functioning which is so  
4 impaired as to substantially interfere with a person's capacity  
5 to remain in the community without treatment, and which results  
6 in a long-term limitation in a person's functional capacities  
7 for the primary activities of daily living."

8       SECTION 3. Section 334-3, Hawaii Revised Statutes, is  
9 amended by amending subsection (c) to read as follows:

10       "(c) The department shall specifically:

11       (1) Perform statewide assessments of the need for  
12       prevention, treatment, and rehabilitation services in  
13       the areas of mental or emotional disorders and  
14       substance abuse;

15       (2) Adopt rules pursuant to chapter 91 for establishing  
16       the number and boundaries of the geographical service  
17       areas for the delivery of services in the areas of  
18       mental or emotional disorders and substance abuse.

19       The department shall periodically review the  
20       effectiveness of the geographical service areas in  
21       promoting accessibility and continuity of appropriate  
22       care to all residents of that geographical area;



- 1           (3) Appoint a service area administrator in each county  
2                    who shall be responsible for the development,  
3                    delivery, and coordination of services in that area;
- 4           (4) Ensure statewide and community-based planning for the  
5                    ongoing development and coordination of the service  
6                    delivery system as guided by needs assessment data and  
7                    performance related information;
- 8           (5) Establish standards and rules for psychiatric  
9                    facilities and their licensing, where applicable;
- 10          (6) Establish standards and rules for services in the  
11                    areas of mental health and substance abuse treatment,  
12                    including assurances of the provision of minimum  
13                    levels of accessible service to persons of all ages,  
14                    ethnic groups, and geographical areas in the State;
- 15          (7) Ensure community involvement in determining the  
16                    service delivery arrangements appropriate to each  
17                    community of the State;
- 18          (8) Cooperate with public and private health, education,  
19                    and human service groups, agencies, and institutions  
20                    in establishing a coordinated system to meet the needs  
21                    of persons with mental or emotional disorders and  
22                    substance abuse difficulties;



- 1           (9) Evaluate and monitor all services in the fields of  
2           mental health and substance abuse where such services  
3           are supported fully or in part by state resources;
- 4           (10) Promote and conduct research, demonstration projects,  
5           and studies concerned with the nature, prevention,  
6           intervention, and consequences of mental or emotional  
7           disorders and substance abuse;
- 8           (11) Keep records, statistical data, and other information  
9           as may be necessary in carrying out the functions of  
10          the mental health system and this chapter;
- 11          (12) Advocate patients' rights in all psychiatric  
12          facilities in the State and investigate any grievances  
13          submitted to the department by any patient in a  
14          psychiatric facility, except as provided in section  
15          334E-2(d). The department shall establish rules and  
16          procedures for the purpose of this paragraph within  
17          one year after January 1, 1985, and post the rules in  
18          a conspicuous manner and accessible place;
- 19          (13) Promote and conduct a systematic program of  
20          accountability for all services provided, funds  
21          expended, and activities carried out under its



- 1 direction or support in accordance with sound  
2 business, management, and scientific principles;
- 3 (14) Coordinate mental health resources in each county of  
4 the State by the development and presentation of a  
5 comprehensive integrated service area plan developed  
6 by the service area administrator in conjunction with  
7 the service area board. The service area  
8 administrator and the service area board, in  
9 collaboration with private and public agencies serving  
10 their population, shall submit recommendations for the  
11 statewide comprehensive integrated service plan,  
12 including needs assessment, program planning, resource  
13 development, priorities for funding, monitoring, and  
14 accountability activities;
- 15 (15) Oversee and coordinate service area programs and  
16 provide necessary administrative and technical  
17 assistance to assist service area programs in meeting  
18 their program objectives; ~~and~~
- 19 (16) Provide staffing to the state council and service area  
20 boards to assist in the performance of their  
21 functions [-]; and



1        (17) Notwithstanding any rules to the contrary adopted by  
2        the department of health, any person with a  
3        "qualifying diagnosis", as defined in section 334-1,  
4        shall be eligible for services provided by the adult  
5        mental health division of the department of health."

6        SECTION 4. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8        SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Shiranne Chun Oaleland  
Josh  
Jim  
Carol Johnson  
Arvid Ylge



**Report Title:**

Mental Health; Adult Mental Health Division; Department of Health

**Description:**

Adds definitions for "qualifying diagnosis" and "severe and persistent mental illness". Requires the adult mental health division of the department of health to provide services to people with a qualifying diagnosis.

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