
A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1 SECTION 1. Chapter 334, Hawaii Revised Statutes, is
2 amended by adding three new sections to be appropriately
3 designated and to read as follows:

4 "§334- Adult mental health services; time with patients.

5 The department shall not limit the number of hours devoted to
6 individual patients and shall assign case managers to patients
7 based upon the Diagnostic and Statistical Manual of Mental
8 Health Disorders, DSM-IV, of the American Psychiatric
9 Association. The department of health shall provide no less
10 than seven hours of case management services per month per
11 patient and shall refer to medicaid managed care models for
12 guidance with respect to the provision of case management
13 services.

14 §334- Crisis intervention services; staff requirements.

15 The department shall employ appropriately trained professionals,
16 including clinical social workers licensed under chapter 467E,
17 who are certified in suicide prevention and substance and
18 alcohol abuse to determine the proper referral of patients, to



1 provide emergency crisis intervention services through its
2 crisis hotline.

3 §334- Assertive community treatment program. (a) There
4 is established under the department of health an assertive
5 community treatment program that includes teams that are staffed
6 with trained professionals and specialists to provide
7 individualized counseling and treatment to the patient.

8 (b) The mission of the assertive community treatment
9 program shall be to provide comprehensive case management and
10 treatment services according to the program for assertive
11 community treatment model which manages the symptoms of mental
12 illness by focusing on the establishment and linkage of a
13 supportive services network in a cultural context that promotes
14 community integration and allows for family and social
15 understanding of mental illness."

16 SECTION 2. Section 431M-1, Hawaii Revised Statutes, is
17 amended by amending the definition of "serious mental illness"
18 to read as follows:

19 "[~~Serious~~] Severe mental illness" means a mental disorder
20 consisting of at least one of the following: schizophrenia,
21 schizo-affective disorder, bipolar types I and II, obsessive
22 compulsive disorder, dissociative disorder, delusional disorder,



1 ~~and~~ major depression, major depressive disorder, anxiety
2 disorder, and borderline personality disorder, as defined in the
3 most recent version of the Diagnostic and Statistical Manual of
4 the American Psychiatric Association and which is of sufficient
5 severity to result in substantial interference with the
6 activities of daily living."

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

9 "(a) The covered benefit under this chapter shall not be
10 less than thirty days of in-hospital services per year. Each
11 day of in-hospital services may be exchanged for two days of
12 nonhospital residential services, two days of partial
13 hospitalization services, or two days of day treatment services.
14 Visits to a physician, psychologist, licensed clinical social
15 worker, marriage and family therapist, licensed mental health
16 counselor, or advanced practice registered nurse shall not be
17 less than thirty visits per year to hospital or nonhospital
18 facilities or to mental health outpatient facilities for day
19 treatment or partial hospitalization services. Each day of
20 in-hospital services may also be exchanged for two outpatient
21 visits under this chapter; provided that the patient's condition
22 is such that the outpatient services would reasonably preclude



1 hospitalization. The total covered benefit for outpatient
2 services in subsections (b) and (c) shall not be less than
3 twenty-four visits per year; provided that coverage of twelve of
4 the twenty-four outpatient visits shall apply only to the
5 services under subsection (c). The other covered benefits under
6 this chapter shall apply to any of the services in subsection
7 (b) or (c). In the case of alcohol and drug dependence
8 benefits, the insurance policy may limit the number of treatment
9 episodes but may not limit the number to less than two treatment
10 episodes per lifetime. Nothing in this section shall be
11 construed to limit [~~serious~~] severe mental illness benefits.

12 (b) Alcohol and drug dependence benefits shall be as
13 follows:

14 (1) Detoxification services as a covered benefit under
15 this chapter shall be provided either in a hospital or
16 in a nonhospital facility that has a written
17 affiliation agreement with a hospital for emergency,
18 medical, and mental health support services. The
19 following services shall be covered under
20 detoxification services:

21 (A) Room and board;

22 (B) Diagnostic x-rays;



1 (C) Laboratory testing; and

2 (D) Drugs, equipment use, special therapies, and
3 supplies.

4 Detoxification services shall be included as part of
5 the covered in-hospital services, but shall not be
6 included in the treatment episode limitation, as
7 specified in subsection (a);

8 (2) Alcohol or drug dependence treatment through
9 in-hospital, nonhospital residential, or day treatment
10 substance abuse services as a covered benefit under
11 this chapter shall be provided in a hospital or
12 nonhospital facility. Before a person qualifies to
13 receive benefits under this subsection, a qualified
14 physician, psychologist, licensed clinical social
15 worker, marriage and family therapist, licensed mental
16 health counselor, or advanced practice registered
17 nurse shall determine that the person suffers from
18 alcohol or drug dependence, or both; provided that the
19 substance abuse services covered under this paragraph
20 shall include those services that are required for
21 licensure and accreditation and shall be included as
22 part of the covered in-hospital services as specified



1 in subsection (a). Excluded from alcohol or drug
2 dependence treatment under this subsection are
3 detoxification services and educational programs to
4 which drinking or drugged drivers are referred by the
5 judicial system and services performed by mutual
6 self-help groups;

- 7 (3) Alcohol or drug dependence outpatient services as a
8 covered benefit under this chapter, including crisis
9 substance abuse and alcohol treatment, shall be
10 provided under an individualized treatment plan
11 approved by a qualified physician, psychologist,
12 licensed clinical social worker, marriage and family
13 therapist, licensed mental health counselor, or
14 advanced practice registered nurse and shall be
15 services reasonably expected to produce remission of
16 the patient's condition. An individualized treatment
17 plan approved by a marriage and family therapist,
18 licensed mental health counselor, licensed clinical
19 social worker, or an advanced practice registered
20 nurse for a patient already under the care or
21 treatment of a physician or psychologist shall be done
22 in consultation with the physician or psychologist.



1 Services covered under this paragraph shall be
2 included as part of the covered outpatient services as
3 specified in subsection (a) [~~+~~and]; provided that the
4 crisis substance abuse and alcohol treatment,
5 including individual and group counseling, shall
6 extend for a period of thirty to sixty days for
7 patients that have or are known to have substance
8 abuse; and

- 9 (4) Substance abuse assessments for alcohol or drug
10 dependence as a covered benefit under this section for
11 a child facing disciplinary action under section
12 302A-1134.6 shall be provided by a qualified
13 physician, psychologist, licensed clinical social
14 worker, advanced practice registered nurse, or
15 certified substance abuse counselor. The certified
16 substance abuse counselor shall be employed by a
17 hospital or nonhospital facility providing substance
18 abuse services. The substance abuse assessment shall
19 evaluate the suitability for substance abuse treatment
20 and placement in an appropriate treatment setting."

21 SECTION 4. Section 431M-5, Hawaii Revised Statutes, is
22 amended by amending subsection (c) to read as follows:



1 "(c) A health insurance plan shall not impose rates,
2 terms, or conditions including service limits and financial
3 requirements, on [~~serious~~] severe mental illness benefits, if
4 similar rates, terms, or conditions are not applied to services
5 for other medical or surgical conditions. This chapter shall
6 not apply to individual contracts; provided further that this
7 chapter shall not apply to QUEST medical plans under the
8 department of human services until July 1, 2002."

9 SECTION 5. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so
11 much thereof as may be necessary for fiscal year 2011-2012 and
12 the same sum or so much thereof as may be necessary for fiscal
13 year 2012-2013 to establish a community care crisis center to
14 assist with day programs for designated patients who are
15 discharged from inpatient care.

16 The sums appropriated shall be expended by the department
17 of health for the purposes of this Act.

18 SECTION 6. The department of health, in cooperation with
19 the department of human services and any other relevant
20 department or agency, shall convene a mental health working
21 group to determine how the State can improve and reformat the
22 provision of its mental health services. The working group



1 shall submit to the legislature a report of its findings and
2 recommendations, including any proposed legislation, no later
3 than twenty days prior to the convening of the regular session
4 of 2012 and shall dissolve on June 30, 2012.

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

7 SECTION 8. This Act shall take effect upon its approval;
8 provided that section 5 shall take effect on January 1, 2050.

9



Report Title:

Mental Health; Appropriation

Description:

Adds crisis substance abuse and alcohol treatment as a covered benefit. Changes the definition of "serious mental illness" to "severe mental illness" and amends the term to include major depressive disorder, anxiety disorders, and borderline personality disorders. Requires department of health (DOH) to include in its crisis hotline program for emergency intervention services trained and certified professionals. Prohibits DOH from limiting the number of hours of treatment per patient and requires case managers to be assigned based on the DSM IV. Requires DOH to provide 7 or more hours of case management services per patient per month. Establishes an assertive community treatment program under DOH. Makes appropriation to the DOH to establish a community care crisis center (Effective 7/1/2050). Requires DOH to convene a mental health working group and to report its findings and proposals to the legislature. (SD1)

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