
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 PART I

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

8 The purpose of this part 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 individuals 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]~~ the core services of which are based upon
13 evidence-based practices for substance use disorder
14 treatment, including assurances of the provision of
15 minimum levels of accessible service to persons of all
16 ages, ethnic groups, and geographical areas in the
17 State;
- 18 (7) Ensure community involvement in determining the
19 service delivery arrangements appropriate to each
20 community of the State;
- 21 (8) Cooperate with public and private health, education,
22 and human service groups, agencies, and institutions



1 in establishing a coordinated system to meet the needs
2 of persons with mental or emotional disorders and
3 substance abuse difficulties;

4 (9) Evaluate and monitor all services in the fields of
5 mental health and substance abuse where such services
6 are supported fully or in part by state resources;

7 (10) Promote and conduct research, demonstration projects,
8 and studies concerned with the nature, prevention,
9 intervention, and consequences of mental or emotional
10 disorders and substance abuse;

11 (11) Keep records, statistical data, and other information
12 as may be necessary in carrying out the functions of
13 the mental health system and this chapter;

14 (12) Advocate patients' rights in all psychiatric
15 facilities in the State and investigate any grievances
16 submitted to the department by any patient in a
17 psychiatric facility, except as provided in section
18 334E-2(d). The department shall establish rules and
19 procedures for the purpose of this paragraph within
20 one year after January 1, 1985, and post the rules in
21 a conspicuous manner and accessible place;



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



1 (16) Provide staffing to the state council and service area
2 boards to assist in the performance of their
3 functions[-]; and

4 (17) Provide services to persons who have a qualifying
5 diagnosis; provided that notwithstanding any law or
6 rules adopted by the department to the contrary, any
7 person who has a qualifying diagnosis shall be
8 eligible to receive services that are offered by the
9 department of health's adult mental health division
10 and are not covered by any insurance policy held by or
11 for the benefit of that person."

12 PART II

13 SECTION 4. The legislature finds that budgetary reductions
14 forced cuts to state mental health services, reducing access to
15 needed medication, treatment, and other services and causing
16 harm to thousands of mentally ill persons. This reduction in
17 mental health services may run afoul of the United States
18 Supreme Court holding in *Olmstead v. L. C.*, 527 U.S. 581 (1999).
19 This holding gave persons with disabilities the right to live in
20 the community, if they desire, rather than being
21 institutionalized, and the failure to provide necessary supports
22 to these persons may constitute a denial of that right.



1 The department of health adult mental health division
2 changed its eligibility rules in July 2010 to end services it
3 provided to patients other than those with severe and persistent
4 mental illness. This change left thousands of persons searching
5 for help from private providers already in short supply. The
6 adult mental health division also eliminated or reduced support
7 for residential facilities, parent education, support groups,
8 and clubhouses that have been important resources for the
9 mentally ill. Cuts have also been made to area-service
10 administrator positions for the adult mental health division,
11 adversely affecting the availability and coordination of mental
12 health resources on the neighbor islands. In the wake of these
13 steep cuts and intense government-wide budget pressures, it is
14 also questionable whether the State has the means to adequately
15 monitor and treat former criminal defendants who are on
16 conditional release.

17 The purpose of this part is to make an appropriation for
18 the restoration of mental health services.

19 SECTION 5. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so
21 much thereof as may be necessary for fiscal year 2013-2014 and
22 the same sum or so much thereof as may be necessary for fiscal



1 year 2014-2015 for restoration of funding for mental health
2 services for adults, adolescents, and children that have been
3 eliminated or reduced in the past two years.

4 The sums appropriated shall be expended by the department
5 of health for the purposes of this part.

6 PART III

7 SECTION 6. The legislature finds that homelessness
8 continues to be one of the State's most significant and
9 challenging social problems. The legislature further finds that
10 according to a recent report, fourteen thousand two hundred
11 homeless individuals were served through shelter and outreach
12 programs in fiscal year 2011. Of these individuals, 9,781
13 resided in the city and county of Honolulu. The legislature
14 also finds that homeless service providers estimate that six
15 thousand homeless persons in the State need shelter each night.

16 The legislature additionally finds that homelessness is a
17 complex issue that requires continuous resources and coordinated
18 efforts at all levels. The legislature also finds that homeless
19 persons face a myriad of issues, including mental illness,
20 substance abuse, loss of employment and income, and lack of
21 affordable housing. Appropriate funding for programs and
22 services tailored to address these issues is essential.



Report Title:

Mental Health; Adult Mental Health; Homeless Services;
Appropriation

Description:

Adds definitions for "qualifying diagnosis" and "severe and persistent mental illness." Requires the provision of services to individuals with a qualifying diagnosis. Appropriates funds for mental health services previously eliminated or reduced, and for substance abuse treatment and mental health support services for individuals who are homeless or at risk of becoming homeless. Effective July 1, 2050. (HB649 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

