
A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1 SECTION 1. The purpose of this Act is to address the
2 mental health of homeless persons.

3 More specifically, this Act:

4 (1) Requires the department of health to provide treatment
5 and care for homeless individuals with serious and
6 persistent mental health challenges that prevent them
7 from obtaining housing and residing successfully in
8 the community as a part of its comprehensive mental
9 health system; and

10 (2) Makes an appropriation of general funds to the
11 department of health for the provision of mental
12 health care and treatment for homeless individuals.

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

16 "Homeless individual" means an individual who is homeless
17 as defined under section 346-361 and who has a serious and



1 persistent mental illness or is otherwise eligible for
2 treatment."

3 SECTION 3. Section 334-2, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§334-2 **Mental health system.** The department of health
6 shall foster and coordinate a comprehensive mental health system
7 utilizing public and private resources to reduce the incidence
8 of mental or emotional disorders and substance abuse [~~and~~], to
9 treat and rehabilitate the victims in the least restrictive and
10 most therapeutic environment possible [~~-~~], and to provide
11 treatment and care for homeless individuals to enable them to
12 reside in a permanent dwelling unit or homeless facility, as
13 defined in section 346-361. The department shall administer
14 such programs, services, and facilities as may be provided by
15 the State to promote, protect, preserve, care for, and improve
16 the mental health of the people."

17 SECTION 4. Section 334-2.5, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) The director may contract with any person for:
20 (1) The development or operation of private in-state
21 psychiatric facilities;



- 1 (2) The placement of patients in existing private or
- 2 public psychiatric facilities; and
- 3 (3) The provision of:
- 4 (A) Secure psychiatric rehabilitation services;
- 5 (B) Crisis intervention and stabilization services;
- 6 (C) Intensive treatment and wraparound services;
- 7 (D) Diversion services;
- 8 (E) Special treatment facilities or therapeutic
- 9 living programs as defined in section 334-1;
- 10 (F) Case management services;
- 11 (G) Housing services; [~~and~~]
- 12 (H) Outreach services, with priority for outreach
- 13 services intended to help homeless individuals
- 14 reside in homeless facilities, permanent dwelling
- 15 units, or other facilities and avoid returning to
- 16 homelessness; and
- 17 [~~(H)~~] (I) Other mental health treatment and
- 18 rehabilitation services."

19 SECTION 5. Section 334-103, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§334-103 Program elements. The following shall be the
2 program elements of the system. These shall be designed to
3 provide, at every level, alternatives to institutional settings.
4 Applicants applying to operate program elements shall show how
5 each of these elements works with the current programs in the
6 community the facility will serve. Applicants may apply for
7 operation under the following program elements:

8 (1) A short-term crisis residential alternative to
9 hospitalization for individuals experiencing an acute
10 episode or situational crisis. The program shall be
11 available for admissions twenty-four hours a day,
12 seven days a week. The primary focus of this element
13 shall be on reduction of the crisis, stabilization,
14 diagnostic evaluation, and assessment of the person's
15 existing support system, including recommendations for
16 referrals upon discharge. This service in the program
17 shall be designed for persons who would otherwise be
18 referred to an acute inpatient psychiatric unit;

19 (2) A long-term residential treatment program for clients
20 who would otherwise be living marginally in the
21 community with little or no service support, and who



1 would return many times to the hospital for treatment.
2 It also will serve those who are referred to, and
3 maintained in, state facilities or nursing homes, or
4 private or public facilities or programs under
5 contract with the director pursuant to section
6 334-2.5, because they require long-term, intensive
7 support. This service shall be designed to provide a
8 rehabilitation program for the so-called "chronic"
9 patient who needs long-term support in order to
10 develop independent living skills. This program goes
11 beyond maintenance to provide an active rehabilitation
12 focus for these individuals;

- 13 (3) A transitional residential program designed for
14 persons who are able to take part in programs in the
15 general community, but who, without the support of
16 counseling[7] as well as the therapeutic community,
17 would be at risk of returning to the hospital[-] or
18 becoming homeless by reason of serious and persistent
19 mental health challenges. These programs may employ a
20 variety of staffing patterns and are for persons who
21 are expected to move toward a more independent living



1 setting. The clients shall be expected to play a
2 major role in the functioning of the household[7] and
3 shall be encouraged to accept increasing levels of
4 responsibility, both in the residential community[7]
5 and in the community as a whole. Residents are
6 required to be involved in daytime activities outside
7 of the facility [~~which~~] that are relevant to their
8 personal goals and conducive to their achieving more
9 self-sufficiency; or

- 10 (4) A semisupervised, independent, but structured living
11 arrangement for persons who do not need the intensive
12 support of the system elements of paragraph (1), (2),
13 or (3), but who, without some support and structure,
14 are at risk of requiring hospitalization[7] or
15 becoming homeless by reason of serious and persistent
16 mental health challenges. The small cooperative
17 housing units shall function as independent households
18 with direct linkages to staff support in case of
19 emergencies, as well as for regular assessment and
20 evaluation meetings. Individuals may use satellite
21 housing as a transition to independent living[7] or



1 may remain in this setting indefinitely in order to
2 avoid the need for more intensive settings. This
3 element is for persons who only need minimum
4 professional or paraprofessional support in order to
5 live in the community. These units should be as
6 normative as the general living arrangements in the
7 communities in which they are developed."

8 SECTION 6. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so much
10 thereof as may be necessary for fiscal year 2016-2017 to provide
11 treatment and care for homeless individuals with serious and
12 persistent mental health challenges to enable them to reside in
13 a permanent dwelling unit or homeless facility.

14 The sum appropriated shall be expended by the department of
15 health for the purposes of this Act.

16 SECTION 7. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 8. This Act shall take effect on July 1, 2016.



Report Title:

Mental Health System; Homeless Individuals; Appropriation

Description:

Requires and appropriates funds for the department of health to provide treatment and care for homeless individuals with serious and persistent mental health challenges as a part of its comprehensive mental health system. (SD2)

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