
A BILL FOR AN ACT

RELATING TO INVOLUNTARY HOSPITALIZATION.

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

1 SECTION 1. The legislature finds that chapter 334, Hawaii
2 Revised Statutes, requires that individuals at risk of harm to
3 self or others, as determined by mental health emergency workers
4 in consultation with law enforcement officers, are be
5 transported by law enforcement to facilities designated by the
6 director of health for further evaluation and potential
7 involuntary hospitalization, a process commonly referred to as
8 an MH-1. Some facilities have expressed concern about the lack
9 of specialists and infrastructure to perform the emergency
10 medical screening and any subsequent medically necessary
11 treatment, while other facilities experience very high volumes
12 of MH-1 patients that strain emergency department capacity.

13 The legislature further finds that while the broader
14 framework of mental health treatment needs restructuring, the
15 magnitude and complexity of that task requires a significant
16 long-term commitment of resources. However, incremental
17 improvements may yield relief more presently by addressing



1 ambiguities and inconsistencies in chapter 334, Hawaii Revised
2 Statutes, as expressed by the community, that contribute to
3 concerns about access, resources, and capacity, and which may
4 impact continuity of care and public safety.

5 Therefore, the purpose of this Act is to establish an
6 involuntary hospitalization task force to examine certain
7 sections of chapter 334, Hawaii Revised Statutes, and make
8 recommendations to the legislature that will diminish
9 unnecessary emergency department admissions and improve access
10 for MH-1 patients to the most appropriate level of care.

11 SECTION 2. (a) There is established within the department
12 of health the involuntary hospitalization task force to:

- 13 (1) Review sections 334-59, 334-61, and 334-62, Hawaii
14 Revised Statutes, to identify inconsistencies and
15 recommend clarifying language that will support
16 consistent implementation in jurisdictions statewide;
- 17 (2) Develop criteria for designation of facilities by the
18 director of health for the purpose of transport and
19 emergency examination;
- 20 (3) Develop recommendations for building a coordinated
21 system with capacity for crisis services, community



1 services, and inpatient hospitalization to ensure
2 parity in the treatment of physical and mental
3 illnesses and address the needs of persons who may
4 have behavioral health needs and who are in crisis;
5 and

6 (4) Develop recommendations for implementing an efficient
7 and equitable distribution of transport for emergency
8 examination across healthcare facilities in a given
9 county that focuses on patient health and community
10 safety.

11 (b) The task force shall be composed of the following
12 members or their designees:

- 13 (1) The director of health;
- 14 (2) The attorney general;
- 15 (3) The dean of the John A. Burns School of Medicine;
- 16 (4) The president of the senate;
- 17 (5) The speaker of the house of representatives; and
- 18 (6) The chief of police of each county.

19 (c) Representatives from the following entities shall also
20 be invited as members of the task force:



1 (1) The chief executive officer of facilities designated
2 by the director of health;

3 (2) A patient advocate or mental health advocate;

4 (3) A representative from a social services agency; and

5 (4) A representative from a mental health emergency worker
6 provider agency.

7 (d) Members of the task force shall serve without
8 compensation, but shall be reimbursed for reasonable expenses
9 incurred, including travel expenses.

10 (e) The task force shall be exempt from the requirements
11 of parts I and II of chapter 92, Hawaii Revised Statutes.

12 (f) The task force shall submit a report to the
13 legislature of its findings and recommendations, including
14 proposed legislation, no later than thirty days prior to the
15 convening of the regular session of 2020.

16 (g) The task force shall be dissolved on June 30, 2020.

17 SECTION 3. This Act shall take effect on January 1, 2059.



Report Title:

Emergency Mental Health Examination

Description:

Establishes an involuntary hospitalization task force to examine certain sections of chapter 334, HRS, and make recommendations to the legislature to reduce unnecessary emergency department admissions and improve access for MH-1 patients to the most appropriate level of care. (HB1013 HD2)

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