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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO  
EVALUATE ISSUES SURROUNDING MANDATORY MENTAL HEALTH  
EXAMINATIONS FOR PATIENTS WHO EXHIBIT BEHAVIOR DEEMED BY  
LAW ENFORCEMENT TO BE AN IMMINENT THREAT TO SELF OR OTHERS.

1           WHEREAS, under section 334-59, Hawaii Revised Statutes  
2 (HRS), any person who exhibits behavior that is deemed by law  
3 enforcement to be an imminent threat to self or others shall be  
4 transported to a licensed psychiatric facility to receive an  
5 emergency examination to determine whether the individual should  
6 be hospitalized; and

7  
8           WHEREAS, this process is often referred to as an "MH-1",  
9 and there are currently 16 facilities that are designated by the  
10 Department of Health to receive MH-1 patients, including acute  
11 care hospitals and a federally qualified health center; and

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13           WHEREAS, some of the facilities designated by the  
14 Department of Health receive an outsized number of MH-1  
15 patients, with the increased volumes straining the ability of  
16 those facilities to provide care to all residents in the State;  
17 and

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19           WHEREAS, some operators of those facilities do not believe  
20 they are equipped to take care of MH-1 patients because of a  
21 lack of adequate infrastructure as well as concerns for patient  
22 and staff safety; and

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24           WHEREAS, some MH-1 patients may benefit from transport to  
25 alternative health care services as not all require an emergency  
26 psychiatric evaluation or hospital services; and

27  
28           WHEREAS, support and directions are needed for law  
29 enforcement to ensure that patients transported under section



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1 334-59, HRS, are directed to the most appropriate setting of  
2 care; and

3  
4 WHEREAS, there is a need to determine the state-wide  
5 capacity for inpatient and outpatient mental health services, to  
6 identify gaps in service availability and barriers to getting to  
7 the appropriate setting of care for those individuals in crisis;  
8 now, therefore,

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10 BE IT RESOLVED by the House of Representatives of the  
11 Thirtieth Legislature of the State of Hawaii, Regular Session of  
12 2019, the Senate concurring, that the Department of Health is  
13 requested to convene a task force to evaluate the issues  
14 surrounding mandatory health examinations for patients who  
15 exhibit behaviors deemed by law enforcement to be an imminent  
16 threat to self or others; and

17  
18 BE IT FURTHER RESOLVED that this task force is requested  
19 to:

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- 21 (1) Develop criteria for the designation of facilities by  
22 the Director of Health for the purpose of transport,  
23 examination, and treatment of MH-1 patients;  
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  - 25 (2) Review current law and identify areas that may need  
26 clarification to standardize consistent and  
27 appropriate transportation of MH-1 patients in  
28 jurisdictions statewide;  
29
  - 30 (3) Review law enforcement protocols and procedures to  
31 ensure patients are appropriately transported under  
32 section 334-59, HRS;  
33
  - 34 (4) Develop recommendations for appropriate distribution  
35 of patient transport for emergency examination across  
36 healthcare facilities in a given county;  
37
  - 38 (5) Provide an assessment of current needs and capacities  
39 for evaluation and treatment of patients in need of  
40 acute mental health assessment and treatment,  
41 including the availability of beds and services  
42 necessary to treating patients experiencing a mental



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1 health crisis, preventing crisis situations, and  
2 avoiding unnecessary transport of patients;

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4 (6) Develop recommendations for building a coordinated  
5 system of care with capacity for crisis services,  
6 community services, and outpatient and inpatient  
7 services to address the needs of persons with mental  
8 illnesses, including substance use disorders, who are  
9 in crisis; provided that these recommendations shall  
10 include discussions on alternative sites of treatment;  
11 and

12  
13 (7) Develop recommendations for reimbursement to support  
14 these efforts; and

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16 BE IT FURTHER RESOLVED that the Director of Health is  
17 requested to invite the participation of:

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19 (1) A representative from the Behavioral Health  
20 Administration of the Department of Health;

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22 (2) A representative from the Department of Human  
23 Services;

24  
25 (3) A representative from each private non-profit hospital  
26 or health center in the State;

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28 (4) A representative from each region of the Hawaii Health  
29 Systems Corporation;

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31 (5) A representative from any qualified federal health  
32 center designated to receive patients under section  
33 334-59, HRS;

34  
35 (6) A representative from a residential mental health or  
36 substance abuse treatment facility;

37  
38 (7) A representative from the Healthcare Association of  
39 Hawaii;

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41 (8) A representative from the police department of each  
42 county;



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1 (9) A representative from a mental health service provider  
2 from each county; and  
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4 (10) Any other representatives the Director of Health, or  
5 the Director's designee, deems necessary; and  
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7 BE IT FURTHER RESOLVED that the Deputy Director of the  
8 Behavioral Health Administration at the Department of Health  
9 shall serve as the chair of the task force; and  
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11 BE IT FURTHER RESOLVED that the task force shall submit a  
12 report of its findings and recommendations, including proposed  
13 legislation, to the Legislature no later than twenty days prior  
14 to the convening of the Regular Session of 2020; and  
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16 BE IT FURTHER RESOLVED that certified copies of this  
17 Concurrent Resolution be transmitted to the Director of Health;  
18 Director of Human Services; the Chief of Police of the police  
19 department of each county; the Chief Executive Officer of the  
20 Hawaii Health Systems Corporation; and the President of the  
21 Healthcare Association of Hawaii.  
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OFFERED BY: Rida Cabanilla Akawa  
John M. [Signature]  
[Signature]  
[Signature]  
Samuel S. King

MAR 08 2019

