

---

---

# HOUSE 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

12  
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

18  
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

23  
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  
30 334-59, HRS, are directed to the most appropriate setting of  
31 care; and



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

6  
7 BE IT RESOLVED by the House of Representatives of the  
8 Thirtieth Legislature of the State of Hawaii, Regular Session of  
9 2019, that the Department of Health is requested to convene a  
10 task force to evaluate the issues surrounding mandatory health  
11 examinations for patients who exhibit behaviors deemed by law  
12 enforcement to be an imminent threat to self or others; and

13  
14 BE IT FURTHER RESOLVED that this task force is requested  
15 to:

- 16  
17 (1) Develop criteria for the designation of facilities by  
18 the Director of Health for the purpose of transport,  
19 examination, and treatment of MH-1 patients;  
20  
21 (2) Review current law and identify areas that may need  
22 clarification to standardize consistent and  
23 appropriate transportation of MH-1 patients in  
24 jurisdictions statewide;  
25  
26 (3) Review law enforcement protocols and procedures to  
27 ensure patients are appropriately transported under  
28 section 334-59, HRS;  
29  
30 (4) Develop recommendations for appropriate distribution  
31 of patient transport for emergency examination across  
32 healthcare facilities in a given county;  
33  
34 (5) Provide an assessment of current needs and capacities  
35 for evaluation and treatment of patients in need of  
36 acute mental health assessment and treatment,  
37 including the availability of beds and services  
38 necessary to treating patients experiencing a mental  
39 health crisis, preventing crisis situations, and  
40 avoiding unnecessary transport of patients;



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

9  
10           (7) Develop recommendations for reimbursement to support  
11           these efforts; and

12  
13           BE IT FURTHER RESOLVED that the Director of Health is  
14           requested to invite the participation of:

15  
16           (1) A representative from the Behavioral Health  
17           Administration of the Department of Health;

18  
19           (2) A representative from the Department of Human  
20           Services;

21  
22           (3) A representative from each private non-profit hospital  
23           or health center in the State;

24  
25           (4) A representative from each region of the Hawaii Health  
26           Systems Corporation;

27  
28           (5) A representative from any qualified federal health  
29           center designated to receive patients under section  
30           334-59, HRS;

31  
32           (6) A representative from a residential mental health or  
33           substance abuse treatment facility;

34  
35           (7) A representative from the Healthcare Association of  
36           Hawaii;

37  
38           (8) A representative from the police department of each  
39           county;



1 (9) A representative from a mental health service provider  
2 from each county; and  
3

4 (10) Any other representatives the Director of Health, or  
5 the Director's designee, deems necessary; and  
6

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  
10

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  
15

16 BE IT FURTHER RESOLVED that certified copies of this  
17 Resolution be transmitted to the Director of Health; Director of  
18 Human Services; the Chief of Police of the police department of  
19 each county; the Chief Executive Officer of the Hawaii Health  
20 Systems Corporation; and the President of the Healthcare  
21 Association of Hawaii.  
22  
23  
24

OFFERED BY: John R. Cabanilla  
John M. [Signature]  
[Signature]  
Stanley Meri  
Paul B. King

MAR 08 2019

