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# A BILL FOR AN ACT

RELATED TO MENTAL HEALTH TREATMENT.

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

1           SECTION 1. Chapter 334, Hawaii Revised Statutes, is  
2 amended by adding a new section to part VIII to be appropriately  
3 designated and to read as follows:  
4           "§334- Examination for assisted community treatment  
5 indication. After the commitment of a person to a psychiatric  
6 facility for involuntary hospitalization pursuant to sections  
7 334-60.2 and 334-60.5, a licensed psychiatrist or advanced  
8 practice registered nurse with prescriptive authority and who  
9 holds an accredited national certification in an advanced  
10 practice registered nurse psychiatric specialization associated  
11 with the licensed psychiatric facility where the individual is  
12 located shall examine the individual to determine whether an  
13 assisted community treatment plan is indicated pursuant to  
14 section 334-123. If a plan is indicated, the psychiatrist or  
15 advanced practice registered nurse shall prepare the certificate  
16 specified by section 334-123(b), and the facility shall notify  
17 the department of the attorney general, who shall assist with



1 the petition for assisted community treatment and the related  
2 court proceeding. The facility may notify another mental health  
3 program for assistance with the coordination of care in the  
4 community."

5 SECTION 2. The department of health shall convene a mental  
6 health emergencies task force. The task force shall:

- 7 (1) Assess the reasons that medical facilities are not  
8 evaluating persons brought to their emergency rooms  
9 for mental health emergencies for whether the person  
10 meets the criteria for an assisted community treatment  
11 plan and for other mental health services including  
12 inpatient psychiatric care;
- 13 (2) Explore options for creating a state-funded treatment  
14 team for persons not under the care of the director of  
15 health who may be in need of an emergency examination  
16 and hospitalization or an assisted community treatment  
17 plan;
- 18 (3) Submit a report of its findings and recommendations,  
19 including any proposed legislation, to the legislature  
20 no later than sixty days prior to the convening of the  
21 regular session of 2020; and



1 (4) Involve representatives from private sector facilities  
2 with emergency rooms and community-based service  
3 providers.

4 SECTION 3. Act 221, Session Laws of Hawaii 2013, section  
5 24, as amended by Act 114, Session Laws of Hawaii 2016, is  
6 amended to read as follows:

7 "SECTION 24. This Act shall take effect on January 1,  
8 2014; provided that:

9 (1) Petitions filed pursuant to section 334-123, Hawaii  
10 Revised Statutes, for assisted community treatment  
11 involving a designated mental health program that is a  
12 state-operated provider shall not be filed until after  
13 July 1, 2015;

14 (2) Any private provider wishing to file a petition  
15 pursuant to section 334-123, Hawaii Revised Statutes,  
16 for assisted community treatment may do so after  
17 January 1, 2014, [~~using its own resources,~~] if the  
18 petitioner is to be the designated mental health  
19 program; [and]

20 (3) Any interested party wishing to file a petition  
21 pursuant to section 334-123, Hawaii Revised Statutes,



1 for assisted community treatment may do so after  
2 January 1, 2014, [~~using the party's own resources,~~] if  
3 the designated mental health program is a private  
4 provider[-]; and

5 (4) The department of the attorney general shall assist  
6 with the petitions brought pursuant to section  
7 334-123, Hawaii Revised Statutes, and the related  
8 court proceeding, unless the private provider or other  
9 interested party declines."

10 SECTION 4. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Department of Health; Task Force; Mental Health Petitions;  
Attorney General

**Description:**

Requires an individual to be examined upon commitment to a psychiatric facility for involuntary hospitalization to determine whether an assisted community plan is indicated and, if so, requires the department of the attorney general to assist with the petition for assisted community treatment and related court proceeding. Requires the department of health to convene a mental health emergencies task force. (SD1)

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

