
HOUSE CONCURRENT RESOLUTION

CONVENING A BEHAVIORAL HEALTH TASK FORCE TO DETERMINE COHERENT
POLICIES AND PROCEDURES FOR THE TIMELY ADMISSION OF
BEHAVIORAL HEALTH PATIENTS TO THE HAWAII STATE HOSPITAL AS
NON-FORENSIC PATIENTS.

1 WHEREAS, more than twenty percent of chronically homeless
2 persons acknowledge having a behavioral health illness; and

3
4 WHEREAS, over the past few years, the State has spent
5 millions of dollars on programs such as Housing First, Rapid
6 Rehousing, and Rent Supplement to combat homelessness; however,
7 persons with untreated behavioral health illnesses, including
8 substance abuse disorders, are unable to be housed through any
9 of these programs until they have been detoxified, treated, and
10 stabilized so that they are able to fit in with other members of
11 the homeless population being served by the continuum of care
12 providers; and

13
14 WHEREAS, the State has increased funding for outreach to
15 the chronically homeless, including those having behavioral
16 health issues, but despite this effort, hospital emergency rooms
17 at facilities such as The Queen's Medical Center continue to be
18 inundated by homeless persons having behavioral health issues;
19 and

20
21 WHEREAS, if a behaviorally ill patient cannot be discharged
22 from a hospital setting to an appropriate treatment facility,
23 the patient either remains in the acute care facility, taking up
24 much-needed bed space at a cost of \$1,900 per day, or is
25 discharged onto the streets, where the patient remains homeless
26 and in need of treatment services; and

27
28 WHEREAS, the State recently appropriated funds for the
29 expansion of the Hawaii State Hospital to ensure additional bed



1 space for persons having behavioral health illnesses; however,
2 it appears that the Department of Health intends to use these
3 funds to create additional bed space for forensic patients
4 transferred to the hospital pursuant to a court order; and
5

6 WHEREAS, Chapter 704, Hawaii Revised Statutes, sets out the
7 procedural requirements for defendants having behavioral health
8 issues that arise in the context of criminal cases, such as
9 defendants whose fitness to proceed to trial or penal
10 responsibility for the offense is in question; and
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12 WHEREAS, Chapter 704, Hawaii Revised Statutes, is being
13 used by the courts to refer forensic patients to the Hawaii
14 State Hospital, thus disproportionately filling hospital beds
15 and leaving fewer beds available for persons who have been
16 discharged from hospital acute care treatment for behavioral
17 health issues; as a result, the behaviorally ill have nowhere to
18 go to remain detoxified and stabilized until they can gain
19 admission to a halfway home or bridge house, or be assisted by a
20 program such as Housing First or Rapid Rehousing; and
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22 WHEREAS, even though there is a recognized need for more
23 forensic beds at the Hawaii State Hospital, there is also an
24 urgent need for non-forensic beds so that persons having
25 behavioral health illness may receive treatment without having
26 to commit a crime in order to be admitted to the hospital on a
27 forensic basis; now, therefore,
28

29 BE IT RESOLVED by the House of Representatives of the
30 Thirtieth Legislature of the State of Hawaii, Regular Session of
31 2020, the Senate concurring, that the Legislature convene a
32 Behavioral Health Task Force to determine coherent policies and
33 procedures for the timely admission of behavioral health
34 patients to the Hawaii State Hospital as non-forensic patients;
35 and
36

37 BE IT FURTHER RESOLVED that the task force is requested to
38 consider whether Chapter 704, Hawaii Revised Statutes, should be
39 amended, or whether rules, policies, or procedures can be
40 established administratively to facilitate the creation of
41 additional bed space for non-forensic patients; and
42



1 BE IT FURTHER RESOLVED that the membership of the
2 Behavioral Health Task Force consist of one representative from
3 each of the following entities and that, upon convening, the
4 members elect a chairperson from among themselves:
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- 6 (1) The respective chairpersons of the Senate Committee on
7 Public Safety, Intergovernmental, and Military Affairs
8 and the House Committee on Public Safety, Veterans,
9 and Military Affairs;
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- 11 (2) The respective chairpersons of the Senate and House
12 Committees on Judiciary;
13
- 14 (3) The respective chairpersons of the Senate Committee on
15 Commerce, Consumer Protection, and Health and the
16 House Committee on Health;
17
- 18 (4) The respective chairpersons of the Senate Committee on
19 Human Services and the House Committee on Human
20 Services and Homelessness;
21
- 22 (5) The Chief Justice of the Hawaii Supreme Court or the
23 Chief Justice's designee;
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- 25 (6) One Mental Health Court judge from the First Circuit
26 and one Mental Health Court judge or similarly
27 situated judge from a neighbor island circuit; and
28
- 29 (7) The Director of the Behavioral Health Administration
30 of the Department of Health or the Director's
31 designee; and
32

33 BE IT FURTHER RESOLVED that the Behavioral Health Task
34 Force is requested to submit to the Legislature a report of its
35 findings and recommendations, including any proposed
36 legislation, no later than twenty days prior to the convening of
37 the Regular Session of 2021; and
38



1 BE IT FURTHER RESOLVED that certified copies of this
 2 Concurrent Resolution be transmitted to the President of the
 3 Senate, Speaker of the House of Representatives, Chief Justice
 4 of the Hawaii Supreme Court, and Director of Health.
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