

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO HOMELESS INDIVIDUALS WITH SEVERE MENTAL ILLNESS.

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

1           SECTION 1. The legislature finds that the State has a gap  
2 in services for homeless individuals with severe mental illness  
3 or severe co-occurring mental illness and substance use  
4 disorders, as these individuals often cycle between  
5 homelessness, emergency room treatment, incarceration, and  
6 hospitalization. Individuals with severe mental illness or  
7 severe co-occurring mental illness and substance use disorders  
8 typically become chronically homeless and further burden the  
9 health care system through excessive use of expensive emergency  
10 department, inpatient treatment, and crisis services. Due to  
11 their mental illness, these individuals routinely reject offered  
12 services and remain on the street, putting themselves at risk of  
13 further injury and creating a significant burden on the  
14 communities where they reside.

15           The purpose of this Act is to require the department of  
16 human services, in consultation with the department of health,  
17 to establish a three-year pilot project to procure the services



1 of a service provider to operate a shelter and provide mental  
2 health treatment for homeless individuals with severe mental  
3 illness or severe co-occurring mental illness and substance use  
4 disorders who are subject to court-ordered assisted community  
5 treatment or court-ordered guardianship.

6 SECTION 2. (a) Pursuant to chapter 103D or 103F, Hawaii  
7 Revised Statutes, the department of human services, in  
8 consultation with the department of health, shall establish a  
9 three-year pilot project to procure the services of a service  
10 provider, referred to hereinafter as the designated service  
11 provider, to operate a shelter and provide mental health  
12 treatment for a limited number of homeless individuals with  
13 severe mental illness or severe co-occurring mental illness and  
14 substance use disorders who are subject to court-ordered  
15 assisted community treatment or court-ordered guardianship, with  
16 the goal of rehabilitating and transitioning these individuals  
17 to a group home within twelve weeks.

18 (b) Prior to the establishment of and during the pilot  
19 project:

20 (1) The adult protective and community services branch of  
21 the department of human services shall petition the



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1 family court for court-ordered assisted community  
2 treatment or court-ordered guardianship for a homeless  
3 individual with severe mental illness or severe co-  
4 occurring mental illness and substance use disorders;  
5 provided that in the case of public guardianship of  
6 the homeless individual pursuant to chapter 551A,  
7 Hawaii Revised Statutes, the adult protective and  
8 community services branch shall be responsible for  
9 providing all information and records, and filing all  
10 documents and forms, as may be necessary to effectuate  
11 public guardianship under this paragraph; or

12 (2) A licensed physician employed by the designated  
13 service provider shall petition the family court for  
14 court-ordered assisted community treatment for a  
15 homeless individual with severe mental illness or  
16 severe co-occurring mental illness and substance use  
17 disorders;

18 provided that the individual's court-ordered treatment states  
19 that it is in the individual's best interest to enroll in a  
20 mental health treatment program, such as the pilot project  
21 established in this Act.



1 Under court-ordered assisted community treatment or court-  
2 ordered guardianship within the pilot project and  
3 notwithstanding any other law to the contrary, a licensed  
4 physician employed by the designated service provider, or a  
5 legal guardian, respectively, may place the homeless individual  
6 into the shelter to receive mental health treatment, including  
7 over the individual's objection, at the shelter for a designated  
8 period of time or until the individual is sufficiently  
9 rehabilitated to be able to transition to a group home.

10 (c) No more than eight homeless individuals with severe  
11 mental illness or severe co-occurring mental illness and  
12 substance use disorders may receive shelter and mental health  
13 treatment at the facility at any given time. A homeless  
14 individual with severe mental illness or severe co-occurring  
15 mental illness and substance use disorders is required to  
16 provide appropriate identification documentation, including but  
17 not limited to a social security card, driver's license, or  
18 civil identification card, to be eligible for shelter and mental  
19 health treatment at the facility.

20 (d) The pilot project shall end on June 30, 2022. The  
21 department of human services, in consultation with the



1 governor's coordinator on homelessness, shall submit to the  
2 legislature:

3 (1) An interim report no later than twenty days prior to  
4 the convening of the regular session of 2022 detailing  
5 findings and recommendations regarding the pilot  
6 project, including findings regarding the pilot  
7 project's contribution to successfully transitioning  
8 homeless individuals with severe mental illness or  
9 severe co-occurring mental illness and substance use  
10 disorders to permanent housing, challenges or failures  
11 of the pilot project, and any proposed legislation;  
12 and

13 (2) A final report no later than twenty days prior to the  
14 convening of the regular session of 2023.

15 (e) The department of human services shall enter a  
16 memorandum of understanding with the department of health and  
17 the designated service provider in providing shelter and mental  
18 health treatment to homeless individuals with severe mental  
19 illness or severe co-occurring mental illness and substance use  
20 disorders subject to court-ordered assisted community treatment  
21 or court-ordered guardianship.



1           (f) The designated service provider shall identify and  
2 locate a suitable, unused facility in which to provide shelter  
3 and mental health treatment services and shall make any  
4 necessary changes to the facility to serve individuals with  
5 severe mental illness or severe co-occurring mental illness and  
6 substance use disorders; provided that the facility shall be  
7 approved by the department of health prior to establishment of  
8 the pilot project.

9           (g) The department of human services and the designated  
10 service provider shall provide the governor's office with access  
11 to all data from the pilot project. The governor's office shall  
12 ensure that data from the pilot project is entered into the  
13 United States Department of Housing and Urban Development's  
14 Homeless Management Information System.

15           (h) The department of human services may adopt rules  
16 pursuant to chapter 91, Hawaii Revised Statutes, to effectuate  
17 this Act.

18           SECTION 3. There is appropriated out of the general  
19 revenues of the State of Hawaii the sum of \$600,000 or so much  
20 thereof as may be necessary for fiscal year 2019-2020 and the  
21 same sum or so much thereof as may be necessary for fiscal year



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1 2020-2021 to establish a pilot project to operate a shelter,  
 2 including the hiring of a social worker and social service  
 3 assistant to provide twenty-four hour, seven days a week  
 4 assistance for the shelter and one 0.5 full-time equivalent (0.5  
 5 FTE) staff position in the office of the public guardian;  
 6 leasing of a facility for the shelter; and administrative  
 7 expenses, including fees and costs for the designated service  
 8 provider to obtain court-ordered assisted community treatment or  
 9 court-ordered guardianship to provide shelter and mental health  
 10 treatment for homeless individuals with severe mental illness or  
 11 severe co-occurring mental illness and substance use disorders  
 12 pursuant to this Act; provided that the department of human  
 13 services may procure mental health services and any other  
 14 services necessary to achieve the goals of the pilot project  
 15 described in section 2 of this Act.

16 The sums appropriated shall be expended by the department  
 17 of human services for the purposes of this Act.

18 SECTION 4. This Act shall take effect on July 1, 2019.

19

INTRODUCED BY:






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# S.B. NO. 1051

**Report Title:**

Individuals with Severe Mental Illness; Individuals with Severe Co-occurring Mental Illness and Substance Use Disorders; Homeless; Facility; DHS; DOH; Court-ordered Assisted Community Treatment; Court-ordered Guardianship; Appropriation

**Description:**

Requires the Department of Human Services, in consultation with the Department of Health, to establish a pilot project to procure services from a designated service provider to operate a facility to provide shelter and mental health treatment for homeless individuals with severe mental illness or severe co-occurring mental illness and substance use disorders who are subject to court-ordered assisted community treatment or court-ordered guardianship. Requires the adult protective and community services branch of the Department of Human Services or a licensed physician employed by the designated service provider to request court-ordered assisted community treatment or court-ordered guardianship for homeless individuals with severe mental illness or severe co-occurring mental illness and substance use disorders. Requests that homeless individuals with severe mental illness or severe co-occurring mental illness and substance use disorders provide identification documentation prior to receiving shelter and mental health treatment. Requires the designated service provider to locate an unused, suitable facility to operate as a shelter. Makes an appropriation.

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

