

JAN 18 2019

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 who lack decisional capacity, and that these
5 individuals often cycle between homelessness, emergency room
6 treatment, incarceration, and hospitalization. Individuals with
7 severe mental illness or severe co-occurring mental illness and
8 substance use disorders who lack decisional capacity typically
9 become chronically homeless and further burden the health care
10 system through excessive use of expensive emergency medical
11 services, inpatient treatment, crisis services, arrests, and
12 adjudication. Due to their mental illness, these individuals
13 routinely reject offered services and remain on the street,
14 putting themselves at risk of further injury and creating a
15 significant burden on the communities where they reside.

16 The purpose of this Act is to require the department of
17 human services, in consultation with the department of health,



1 to establish a three-year pilot project to procure the services
2 of a service provider to operate a shelter and provide mental
3 health treatment for primarily homeless individuals with severe
4 mental illness or severe co-occurring mental illness and
5 substance use disorders who are subject to court-ordered
6 assisted community treatment or court-ordered guardianship, and,
7 secondarily, for homeless individuals who are mentally ill,
8 frequent users of emergency medical services in early stages of
9 initial treatment.

10 SECTION 2. (a) Pursuant to chapter 103D or 103F, Hawaii
11 Revised Statutes, the department of human services, in
12 consultation with the department of health, shall establish a
13 three-year pilot project to procure the services of a service
14 provider, referred to hereinafter as the designated service
15 provider, to operate a shelter and provide or facilitate mental
16 health treatment for a limited number of homeless individuals
17 with severe mental illness or severe co-occurring mental illness
18 and substance use disorders who are subject to court-ordered
19 assisted community treatment or court-ordered guardianship, and
20 homeless individuals who are mentally ill, frequent users of
21 emergency medical services in early stages of initial treatment,



1 with the goal of rehabilitating and transitioning these
2 individuals to a group home within twelve weeks.

3 (b) Prior to the establishment of and during the pilot
4 project:

5 (1) The adult protective and community services branch of
6 the department of human services shall petition the
7 family court for court-ordered assisted community
8 treatment or court-ordered guardianship for a homeless
9 individual with severe mental illness or severe co-
10 occurring mental illness and substance use disorders,
11 or for a homeless individual who is a mentally ill,
12 frequent user of emergency medical services in early
13 stages of initial treatment, where appropriate;
14 provided that in the case of public guardianship of
15 the homeless individual pursuant to chapter 551A,
16 Hawaii Revised Statutes, the adult protective and
17 community services branch shall be responsible for
18 providing all information and records, and filing all
19 documents and forms, as may be necessary to effectuate
20 public guardianship under this paragraph; or



1 (2) A licensed physician or advanced practice registered
2 nurse with prescriptive authority and who holds an
3 accredited national certification in an advanced
4 practice registered nurse psychiatric specialization
5 employed by the designated service provider shall
6 petition the family court for court-ordered assisted
7 community treatment for a homeless individual with
8 severe mental illness or severe co-occurring mental
9 illness and substance use disorders, or for a homeless
10 individual who is mentally ill, frequent user of
11 emergency medical services in early stages of initial
12 treatment;

13 provided that the individual's court-ordered treatment states
14 that it is in the individual's best interest to enroll in a
15 mental health treatment program, such as the pilot project
16 established in this Act.

17 Under court-ordered assisted community treatment or court-
18 ordered guardianship within the pilot project and
19 notwithstanding any other law to the contrary, a licensed
20 physician or advanced practice registered nurse with
21 prescriptive authority and who holds an accredited national



1 certification in an advanced practice registered nurse
2 psychiatric specialization may refer the homeless individual
3 into the shelter to receive mental health treatment, including
4 over the individual's objection and with the guardian's consent,
5 at the shelter for a designated period of time or until the
6 individual is sufficiently rehabilitated to be able to
7 transition to a group home.

8 (c) No more than eight homeless individuals with severe
9 mental illness or severe co-occurring mental illness and
10 substance use disorders, or homeless individuals who are
11 mentally ill, frequent users of emergency medical services in
12 early stages of initial treatment, may receive shelter and
13 mental health treatment at the facility at any given time.

14 (d) The pilot project shall end on June 30, 2022. The
15 department of human services, in consultation with the
16 governor's coordinator on homelessness, shall submit to the
17 legislature:

18 (1) An interim report no later than twenty days prior to
19 the convening of the regular session of 2022 detailing
20 findings and recommendations regarding the pilot
21 project, including findings regarding the pilot



1 project's contribution to successfully transitioning
2 homeless individuals with severe mental illness or
3 severe co-occurring mental illness and substance use
4 disorders, and homeless individuals who are mentally
5 ill, frequent users of emergency medical services in
6 early stages of initial treatment to permanent
7 housing, challenges or failures of the pilot project,
8 and any proposed legislation; and

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

11 (e) The department of human services shall enter a
12 memorandum of understanding with the department of health and
13 the designated service provider in providing shelter and mental
14 health treatment to homeless individuals with severe mental
15 illness or severe co-occurring mental illness and substance use
16 disorders subject to court-ordered assisted community treatment
17 or court-ordered guardianship, and to homeless individuals who
18 are mentally ill, frequent users of emergency medical services
19 in early stages of initial treatment.

20 (f) The designated service provider shall identify and
21 locate a suitable, unused facility in which to provide shelter



1 and mental health treatment services and shall make any
2 necessary changes to the facility to serve homeless individuals
3 with severe mental illness or severe co-occurring mental illness
4 and substance use disorders, and homeless individuals who are
5 mentally ill, frequent users of emergency medical services in
6 early stages of initial treatment; provided that the facility
7 shall be approved by the department of health prior to
8 establishment of the pilot project.

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

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

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



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

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

21



S.B. NO. 564

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

2

INTRODUCED BY: _____

Karl Rhoads



S.B. NO. 564

Report Title:

Individuals with Severe Mental Illness; Homeless; Facility;
Pilot Program; Appropriation

Description:

Requires the department of human services, in consultation with the department of health, to establish a three year 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, and for homeless individuals who are mentally ill, frequent users of emergency medical services in early stages of initial treatment. Specifies requirements when petitioning the family court for court-ordered assisted community treatment or guardianship. Specifies requirements for the pilot project. Requires reports to the legislature, a memorandum of understanding, and submission of data about the pilot project. Appropriates funds.

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