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# A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1           SECTION 1. The legislature finds that the State has  
2 several key tools and programs to assist individuals with  
3 untreated severe mental illness. These include court-ordered  
4 plans of treatment, known in Hawaii as "assisted community  
5 treatment" or "ACT" orders; involuntary commitments to the state  
6 hospital or similar facility; court-ordered medication; and  
7 department of health crises programs, among others. The  
8 legislature further finds that there are areas for improvement,  
9 especially as available resources and needs change over time.

10           Accordingly, the purpose of this Act is to:

- 11           (1) Require the department of health to track and publicly  
12           report data relating to crises reports, emergency  
13           mental health transports, and court-ordered  
14           treatments, and appropriating moneys to support  
15           technology needs for data collection and reporting;
- 16           (2) Require the department of health to respond to reports  
17           about persons with severe mental illness who need



- 1 assistance and assess whether those persons may  
2 fulfill the criteria for assisted community treatment  
3 and, if a person meets that criteria, initiate the  
4 process for an assisted community treatment order;
- 5 (3) Establish that a court's denial of a petition for  
6 involuntary commitment shall serve as notification to  
7 the department of health that the person should be  
8 evaluated for assisted community treatment;
- 9 (4) Require department of the attorney general to assist  
10 with the preparation and filing of assisted community  
11 treatment petitions and related court proceedings for  
12 private petitioners unless the petitioner declines the  
13 assistance; and
- 14 (5) Appropriate funds to the Department of Health for  
15 software and data collection and publication.

16 SECTION 2. Chapter 334, Hawaii Revised Statutes, is  
17 amended as follows:

18 1. By adding a new section to part I to be appropriately  
19 designated and to read:

20 "§334- Data concerning persons experiencing a mental  
21 health crisis. The department shall track and publish data



1 regarding reports of and responses to mental health crises.  
2 Reports required under this section shall be updated at least  
3 monthly, shall be reported on the department's website, and  
4 shall include the number of:

- 5       (1) Reports, by county, made to a department hotline,  
6       crisis line, or other means for the public to contact  
7       the department, including through  
8       department-contracted services and providers, and the  
9       disposition of those reports;
- 10       (2) Persons transported for emergency examination pursuant  
11       to section 334-59 by type of transport, length of time  
12       in the emergency room, disposition of the matter, and  
13       county in which the facility where the person was  
14       transported is located;
- 15       (3) Assisted community treatment evaluations performed  
16       prior to discharge pursuant to section 334-121.5 and  
17       the disposition of the evaluations;
- 18       (4) Assisted community treatment petitions filed pursuant  
19       to section 334-123, category of the petitioner,  
20       whether the attorney general assisted with the  
21       petition, disposition of the petition, length of time



1           to disposition, and number of persons currently under  
2           an assisted community treatment order;

3           (5) Court orders for treatment over the patient's  
4           objection sought pursuant to section 334-161,  
5           disposition of those orders sought, and number of  
6           patients currently under a court order for treatment;

7           (6) Administrative orders for treatment over the patient's  
8           objection sought pursuant to section 334-162,  
9           disposition of those orders sought, and number of  
10           patients currently under an administrative order for  
11           treatment; and

12           (7) Involuntary hospitalization petitions filed pursuant  
13           to section 334-60.3, disposition of those petitions,  
14           length of time to disposition, and the number of  
15           patients currently under an involuntary  
16           hospitalization petition."

17           2. By adding a new section to part VIII to be  
18 appropriately designated and to read:

19           "§334- Department response to crisis reports. (a) When  
20 the department receives credible information that a person who  
21 has severe mental illness requires assistance, the department



1 shall dispatch staff or a service provider to assist the person  
2 and may coordinate the response with other agencies as  
3 necessary. This requirement shall apply to communications  
4 received by any means by which the public may contact the  
5 department, including through a department hotline, crisis line,  
6 or other means, and shall apply to communications received  
7 through department-contracted services and providers.

8 (b) While assisting a person pursuant to subsection (a),  
9 the department staff or service provider shall assess whether  
10 the person meets the criteria for assisted community treatment  
11 pursuant to section 334-121.

12 (c) If, upon assessment of a person pursuant to subsection  
13 (b), the department reasonably believes that the person meets  
14 the criteria for assisted community treatment, the department,  
15 with assistance from the department of the attorney general,  
16 shall file a petition for an assisted community treatment  
17 order."

18 SECTION 3. Section 334-60.5, Hawaii Revised Statutes, is  
19 amended by amending subsection (i) to read as follows:

20 "(i) If, after hearing all relevant evidence, including  
21 the result of any diagnostic examination ordered by the court,



1 the court finds that an individual is not a person requiring  
 2 medical, psychiatric, psychological, or other rehabilitative  
 3 treatment or supervision, the court shall order that the  
 4 individual be discharged if the individual has been hospitalized  
 5 prior to the hearing. The court's denial of a petition for  
 6 involuntary commitment shall serve as notification to the  
 7 department that the person should be evaluated for assisted  
 8 community treatment pursuant to section 334- ."

9 SECTION 4. Section 334-123, Hawaii Revised Statutes, is  
 10 amended to read as follows:

11 **"§334-123 Initiation of proceeding for assisted community**  
 12 **treatment.** (a) Any interested party may file a petition with  
 13 the family court alleging that another person meets the criteria  
 14 for assisted community treatment. The petition shall state:

- 15 (1) Each of the criteria under section 334-121 for
- 16 assisted community treatment;
- 17 (2) Petitioner's good faith belief that the subject of the
- 18 petition meets each of the criteria under section
- 19 334-121;



1 (3) Facts that support the petitioner's good faith belief  
2 that the subject of the petition meets each of the  
3 criteria under section 334-121; and

4 (4) That the subject of the petition is present within the  
5 county where the petition is filed.

6 The hearing on the petition need not be limited to the  
7 facts stated in the petition. The petition shall be executed  
8 subject to the penalties of perjury but need not be sworn to  
9 before a notary public.

10 (b) The department of the attorney general shall assist  
11 with the preparation and filing of any petition brought pursuant  
12 to this section and any related court proceedings; provided  
13 that, if the petitioner is a private provider or other private  
14 individual, the petitioner may decline the assistance.

15 ~~[(b)]~~ (c) The petition may be accompanied by a certificate  
16 of a licensed psychiatrist or advanced practice registered nurse  
17 with prescriptive authority and who holds an accredited national  
18 certification in an advanced practice registered nurse  
19 psychiatric specialization who has examined the subject of the  
20 petition within twenty calendar days prior to the filing of the  
21 petition. For purposes of the petition, an examination shall be



1 considered valid so long as the licensed psychiatrist or  
2 advanced practice registered nurse with prescriptive authority  
3 and who holds an accredited national certification in an  
4 advanced practice registered nurse psychiatric specialization  
5 has obtained enough information from the subject of the petition  
6 to reach a diagnosis of the subject of the petition, and to  
7 express a professional opinion concerning the same, even if the  
8 subject of the petition is not fully cooperative. If the  
9 petitioner believes that further evaluation is necessary before  
10 treatment, the petitioner may request further evaluation.

11 [~~e~~] (d) The petition shall include the name, address,  
12 and telephone number of at least one of the following persons in  
13 the following order of priority: the subject of the petition's  
14 spouse or reciprocal beneficiary, legal parents, adult children,  
15 and legal guardian, if one has been appointed. If the subject  
16 of the petition has no living spouse or reciprocal beneficiary,  
17 legal parent, adult children, or legal guardian, or if none can  
18 be found, the petition shall include the name, address, and  
19 telephone number of at least one of the subject's closest adult  
20 relatives, if any can be found."





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

4 "SECTION 24. This Act shall take effect on January 1,  
5 2014; provided that:

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

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

17 (3) Any interested party wishing to file a petition  
18 pursuant to section 334-123, Hawaii Revised Statutes,  
19 for assisted community treatment may do so after  
20 January 1, 2014, [~~using the party's own resources,~~] if



1 the designated mental health program is a private  
2 provider[-]; and

3 (4) After July 1, 2023, the department of the attorney  
4 general shall assist with the preparation and filing  
5 of any petition brought pursuant to section 334-123,  
6 Hawaii Revised Statutes, and any related court  
7 proceedings; provided further that if the petitioner  
8 is a private provider or other private individual, the  
9 petitioner may decline the assistance."

10 SECTION 6. There is appropriated out of the general  
11 revenues of the State of Hawaii the sum of \$100,000 or so much  
12 thereof as may be necessary for fiscal year 2023-2024 for the  
13 department of health to procure software and prepare the  
14 department's website for data collection and publication of data  
15 regarding reports of and responses to mental health crises.

16 The sum appropriated shall be expended by the department of  
17 health for the purposes of this Act.

18 SECTION 7. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 8. This Act shall take effect on December 31,  
21 2050.



**Report Title:**

Mental Health; Department of Health; Judiciary; Attorney General; Assisted Community Treatment; Reports; Appropriation

**Description:**

Requires the Department of Health to track and publicly report certain data relating to crisis reports, emergency mental health transports, and court-ordered treatments. Requires the Department of Health to respond to reports about persons having severe mental illness and in need of assistance and to assess whether those persons may fulfill the criteria for assisted community treatment. Establishes that a court's denial of a petition for involuntary commitment shall serve as notification to the Department of Health that the person should be evaluated for assisted community treatment. Appropriates funds to the Department of Health for software and data collection and publication. Takes effect 12/31/2050. (SD1)

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

