

JAN 24 2024

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 having
3 untreated severe mental illnesses. These include court-ordered
4 plans of treatment, known in Hawaii as "assisted community
5 treatment" orders; involuntary commitments to the state hospital
6 or a similar facility; court-ordered medication; and department
7 of health crises programs, among others. The legislature
8 further finds that there are areas for improvement in these
9 programs, especially as available resources and needs change
10 over time.

11 Accordingly, the purposes of this Act are to:

- 12 (1) Require and appropriate funds for the department of
13 health to track and publicly report data relating to
14 crisis reports, emergency mental health transports,
15 and court-ordered treatments;
- 16 (2) Require the department of health, or a contracted
17 service provider, to review reports about persons
18 having severe mental illnesses who need assistance;

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1 assess whether the person may fulfill the criteria for
2 assisted community treatment; and, if the person meets
3 the criteria, coordinate the process for an assisted
4 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; and

9 (4) Appropriate funds to the department of health for the
10 purposes of this Act.

11 SECTION 2. Chapter 334, Hawaii Revised Statutes, is
12 amended as follows:

13 (1) By adding to part I a new section to be appropriately
14 designated and to read as follows:

15 "§334-A Data concerning persons experiencing a mental
16 health crisis; reports. (a) The department shall track data on
17 reports of persons experiencing a mental health crisis and the
18 response to these persons by the department, service providers
19 contracted by the department pursuant to section 334-B(d), or
20 another department or private provider coordinating with the
21 department pursuant to section 334-B(a).

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1 (b) The department shall publish a report on the
2 department's website on the data collected pursuant to
3 subsection (a). The reports shall be updated at least monthly
4 and shall include the number of:

5 (1) Crisis reports, disaggregated by county, made to a
6 department hotline, crisis line, or other means for
7 the public to contact the department, including
8 through department-contracted service providers, and
9 the disposition of the reports;

10 (2) Persons transported for emergency examination pursuant
11 to section 334-59, disaggregated by type of transport,
12 length of time in the emergency room, disposition of
13 the matter, and the county in which the facility where
14 the person was 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

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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 the orders sought, and number of
6 patients currently under a court order for treatment;

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

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

17 (c) Every licensed physician; psychiatrist; psychologist;
18 advanced practice registered nurse with prescriptive authority
19 who holds an accredited national certification in an advanced
20 practice registered nurse psychiatric specialization; hospital;
21 psychiatric facility; or petitioner for an order for involuntary
22 hospitalization, authorization for treatment over the patient's

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1 objection, or order for assisted community treatment shall
2 provide the information tracked under this section to the
3 department; provided that the persons or entities involved may
4 coordinate among each other to provide a single report of the
5 event to the department. The reports and information shall be
6 submitted to the department in the manner, time, and form
7 prescribed by the department."

8 (2) By adding to part VIII a new section to be
9 appropriately designated and to read as follows:

10 "§334-B Department response to crisis reports. (a) When
11 the department receives credible information that a person
12 having a severe mental illness requires assistance, the
13 department shall dispatch staff to assist the person. The
14 department may coordinate the response with other departments or
15 private providers as necessary. This requirement shall apply to
16 communications received by any means by which the public may
17 contact the department, including through a department hotline,
18 crisis line, or other means, and shall apply to communications
19 received through department-contracted service providers.

20 (b) While assisting a person pursuant to subsection (a),
21 the department staff or responder from another department or
22 private provider coordinating with the department shall assess

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1 whether the person meets the criteria for assisted community
2 treatment pursuant to section 334-121. If, upon assessment, the
3 department reasonably believes that the person meets the
4 criteria for assisted community treatment, the department shall
5 coordinate:

6 (1) Completion of an examination pursuant to section 334-
7 121.5;

8 (2) Preparation of a certificate specified by section 334-
9 123; and

10 (3) Filing, with assistance from the department of the
11 attorney general, a petition for an assisted community
12 treatment order pursuant to section 334-123;

13 provided that the certificate and petition shall not be required
14 if an assisted community treatment order is not indicated by the
15 examination; provided further that the examination, certificate
16 preparation, and filing of the petition may be completed by the
17 department or by another department or private provider
18 coordinating with the department pursuant to subsection (a), in
19 which case the department shall not be required to be the
20 petitioner.

21 (c) Notwithstanding subsection (b), if the department is
22 unable to coordinate the process for an assisted community

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1 treatment order, the department may notify another mental health
2 program for the coordination of care in the community for the
3 person.

4 (d) The department may contract with a service provider to
5 fulfill the requirements of this section."

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

8 "(i) If after hearing all relevant evidence, including the
9 result of any diagnostic examination ordered by the court, the
10 court finds that an individual is not a person requiring
11 medical, psychiatric, psychological, or other rehabilitative
12 treatment or supervision, the court shall order that the
13 individual be discharged if the individual has been hospitalized
14 prior to the hearing. Within twenty-four hours of the denial of
15 a petition for involuntary commitment, the court shall provide
16 notice to the department of the petition's denial, which shall
17 serve as notification to the department that the individual
18 should be assessed for assisted community treatment. If, upon
19 assessment, the department reasonably believes the individual
20 meets the criteria for assisted community treatment, the
21 department shall coordinate the completion of an evaluation,

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1 preparation of a certificate, and filing of a petition pursuant
2 to section 334-B(b)."

3 SECTION 4. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$2,250,000 or so much
5 thereof as may be necessary for fiscal year 2024-2025 for:

6 (1) Procurement of software;

7 (2) Preparation of the department of health's website for
8 data collection and publication of data reports regarding
9 responses to mental health crises;

10 (3) 1 full-time equivalent (1.0 FTE) coordinator position;

11 (4) 1 full-time equivalent (1.0 FTE) data position; and

12 (5) 1 full-time equivalent (1.0 FTE) epidemiologist
13 position.

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

16 SECTION 5. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$_____ or so
18 much thereof as may be necessary for fiscal year 2024-2025 for
19 the development and implementation of statewide media,
20 education, and training activities for policies related to
21 emergency examination and hospitalization and assisted community
22 treatment for those in need of mental health intervention.

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

3 SECTION 6. In codifying the new sections added by section
4 2 of this Act, the revisor of statutes shall substitute
5 appropriate section numbers for the letters used in designating
6 the new sections in this Act.

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

9 SECTION 8. This Act, upon its approval, shall take
10 effect on July 1, 2024.

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INTRODUCED BY:



13

BY REQUEST

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Report Title:

DOH; AG; Mental Health; Judiciary; 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 who are in need of assistance, assess whether those persons may fulfill the criteria for assisted community treatment, and coordinate the process for an assisted community treatment order if indicated. 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. Appropriates funds to the Department of Health for statewide education and training on policies related to emergency examination and hospitalization and assisted community treatment. Effective 7/1/2024.

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

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO MENTAL HEALTH.

PURPOSE: To improve access to data and reports relating to mental health crisis, emergency mental health transports, and court-ordered treatments; and establish a court's denial of a petition for involuntary commitment as notification to the Department of Health for evaluation.

MEANS: Add a new section to part I and to part VIII of chapter 334, Hawaii Revised Statutes (HRS), and amend section 334-60.5(i), (HRS).

JUSTIFICATION: Assisted community treatment (ACT) teams are a national evidence-based practice for those needing intensive place-based mental health services. Real-world experience in Hawaii over the past ten years has revealed opportunities to improve timeliness, reporting, and inter-agency communication and cooperation.

Impact on the public: This bill will improve public safety and more efficient use of resources.

Impact on the department and other agencies: Expanded authority and clarification of roles and responsibilities for the Judiciary, Department of Health, Department of Corrections and Rehabilitation, and county law enforcement agencies.

GENERAL FUND: \$2,250,000.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH-495.

OTHER AFFECTED

AGENCIES:

Judiciary; Department of Public Safety;
Department of the Attorney General; County
Law Enforcement Agencies.

EFFECTIVE DATE:

July 1, 2024.