

S.B. NO. 3137

JAN 24 2024

A BILL FOR AN ACT

RELATING TO MENTAL HEALTH SERVICES FOR CHILDREN AND ADOLESCENTS.

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

1 SECTION 1. Addressing mental health needs early in life is
2 imperative for better health and well-being in adulthood.
3 Adverse childhood experiences, various forms of trauma during a
4 child's development, are linked to a greater likelihood of
5 lifelong risky behaviors that can lead to chronic diseases and
6 poor mental health, including depression, anxiety, and
7 suicidality.

8 The importance of children and adolescent mental health was
9 emphasized during the COVID-19 pandemic. The pandemic
10 significantly impacted the social, emotional, and mental well-
11 being of youth globally. Hawaii children and adolescents, like
12 those in other states in the nation, were more likely to have
13 depression and anxiety after the first year of the COVID-19
14 pandemic.

15 The child and adolescent mental health division of the
16 department of health is the State's Medicaid provider of
17 intensive mental health services for youth. Services provided

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1 by the division may be described as a multi-tiered and multi-
2 agency system of care.

3 The child and adolescent mental health division receives
4 referrals from, and provides mental health services in
5 coordination and collaboration with, other state government
6 agencies, as appropriate. For example, the division may receive
7 a client who is housed in a detention home, has been abused, and
8 has dropped out of school. The division will provide the child
9 with treatment and services in coordination with other state
10 agencies (e.g., judiciary, child welfare services, and
11 department of education) that may be involved given the child's
12 circumstances. To minimize disruptions in the daily lives of
13 the clients and their families, the division provides its
14 clients with community-based services and supports by
15 contracting with mental health professionals who practice near
16 or in the communities where eligible children and adolescents
17 live.

18 The purpose of this bill is to amend and update statutes
19 pertaining to mental health services for children and
20 adolescents provided by the child and adolescent mental health
21 division to describe the current mental health systems of care

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1 that address mental health needs of children and adolescent in
2 Hawaii.

3 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
4 amended by adding to part XV a new section to be appropriately
5 designated and to read as follows:

6 "§321- Definitions. For the purposes of this part:

7 "Client" means a child or adolescent who is receiving
8 services from the child and adolescent mental health division.

9 "Division" means the department of health's child and
10 adolescent mental health division."

11 SECTION 3. Section 321-171, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§321-171 [Children's] Children and adolescents' mental
14 health services; department responsibility. It shall be the
15 responsibility of the department of health to:

16 (1) Provide preventative health services for children and
17 [~~youth,~~] and adolescents; and

18 (2) Provide diagnostic and treatment services for
19 emotionally disturbed children and [~~youth; and~~

20 ~~(3) Provide treatment and rehabilitative services for~~
21 ~~mentally ill children and youth.] adolescents.~~

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1 [Such] These services shall be delivered [~~at the earliest~~
2 ~~possible moment~~] as soon as reasonably possible after the need
3 for [~~such~~] the services is established. [~~All~~] Subject to the
4 availability of state or federal resources, eligible children
5 and [~~youth~~] adolescents between the ages of birth and seventeen
6 years shall receive the necessary mental health services to
7 [~~insure~~] ensure their proper and full development. [~~If there is~~
8 ~~any adjudication or settlement of any legal action involving the~~
9 ~~delivery of children's mental health services, the~~] The
10 department of health shall be responsible for the coordination
11 of carrying out the terms of [~~the~~] any judgment or settlement [-]
12 related to the delivery of children and adolescents' mental
13 health services, as required by this section."

14 SECTION 4. Section 321-172, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§321-172 [~~Children's mental health services branch.~~]
17 Child and adolescent mental health division. There is
18 established within the department of health[~~, mental health~~
19 ~~division, a children's~~] a child and adolescent mental health
20 [~~branch~~] division, which shall coordinate the effective and
21 efficient delivery of mental health services to children and
22 [~~youth,~~] adolescents, including services provided by private

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1 nonprofit agencies under contract to the department of health,
2 and be responsible for the development and implementation of
3 centralized and highly specialized programs for children and
4 ~~[youth.]~~ adolescents."

5 SECTION 5. Section 321-173, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§321-173 ~~[Community mental health services]~~ Family
8 guidance centers for children and ~~[youth.]~~ adolescents. [There
9 ~~is established within each community mental health center a~~
10 ~~children's mental health services team which,~~] The division
11 shall implement and administer family guidance centers. The
12 family guidance centers, in conjunction with public and private
13 agencies, shall develop and provide a network of preventative,
14 early identification, screening, diagnostic, treatment, and
15 rehabilitative services for children and ~~[youth]~~ adolescents
16 based on the needs of each ~~[geographic region]~~ county in which
17 the ~~[community mental health]~~ family guidance center is located.
18 The ~~[children's mental health services teams]~~ division shall
19 cooperate with and promote the coordination of the activities of
20 local public and private agencies servicing children and ~~[youth]~~
21 adolescents in their ~~[particular geographic area.]~~ county or the

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1 closest county that has resources and services that meet the
2 client's needs."

3 SECTION 6. Section 321-175, Hawaii Revised Statutes is
4 amended to read as follows:

5 "§321-175 Statewide [~~children's~~] child and adolescent
6 mental health services plan. (a) Commencing [~~on September 1,~~
7 ~~1980,~~] in the year 2027, and every [~~four~~] five years thereafter,
8 the [~~children's mental health services branch, on or before~~
9 ~~September 1 of each four-year cycle,~~] division shall develop and
10 [~~present~~] submit to the governor and the legislature [~~, as well~~
11 ~~as release for public inspection and comment,~~] twenty days
12 before the beginning of the legislative session a current
13 statewide [~~children's~~] child and adolescent mental health
14 services plan [~~which~~] that shall include:

15 (1) [~~A survey of the children and youth in the State who~~
16 ~~are (A) in need of and (B) receiving mental health~~
17 ~~services showing the total number of such children and~~
18 ~~youth and their geographic distribution,~~] An
19 assessment of the mental health needs of children and
20 adolescents in the State;

21 (2) [~~Identification of the public and private providers of~~
22 ~~mental health services to children and youth,~~] An

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1 assessment of resources available to meet the mental
2 health needs of children and adolescents in the State;
3 (3) [~~Identification of the criteria and standards for the~~
4 ~~treatment to be received by emotionally disturbed or~~
5 ~~mentally ill children and youth;~~] Identification of
6 gaps between needs and available resources;
7 [~~(4) A program for the recruitment, orientation, and in-~~
8 ~~service training of personnel in community mental~~
9 ~~health services to children and youth, and to allied~~
10 ~~fields, including participation, as appropriate, by~~
11 ~~institutions of higher learning, state and local~~
12 ~~agencies, and other public and private agencies having~~
13 ~~relevant expertise;~~
14 ~~(5)]~~ (4) A description of the provisions for prevention, [early
15 ~~identification,~~] diagnosis, screening, and treatment,
16 which is inclusive of [and] rehabilitation; and
17 [~~(including, with regard to treatment and~~
18 ~~rehabilitation, services provided through inpatient,~~
19 ~~outpatient, and community residential facilities)~~] of
20 children and youth in need of mental health services;
21 ~~(6)]~~ (5) [~~An implementation plan for providing mental health~~
22 ~~services to all children and youth in the State in~~

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1 ~~each of the above mentioned areas; and]~~
2 Recommendations to the governor and the legislature on
3 how mental health needs of children and adolescents
4 can be met.

5 ~~[-(7) Any additional matters which may be necessary or~~
6 ~~appropriate, including recommendations for amendment~~
7 ~~of laws, changes in administrative practices and~~
8 ~~patterns of organization, and changes in levels and~~
9 ~~patterns of financial support relating to children's~~
10 ~~mental health services.]~~

11 (b) Prior to the submission of the statewide [~~children's~~]
12 child and adolescent mental health services plan under
13 subsection (a) to the governor and the legislature, the
14 department of health shall hold public hearings on the plan in
15 accordance with [~~chapter 91.~~] section 92-41. There shall be at
16 least one hearing in each county; except that the city and
17 county of Honolulu shall have three hearings in strategic
18 geographic locations to provide the widest exposure of the plan
19 to the population.

20 (c) Any amendments to the statewide [~~children's~~] child and
21 adolescent mental health services plan shall be made after

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1 public meetings held in accordance with [chapter 91.] subsection

2 (b) ."

3 SECTION 7. Section 321-176, Hawaii Revised Statutes, is
4 repealed.

5 [~~"§321-176 Biennial review of progress. Every two years,
6 starting January 1, 1979, the department of health, on or before
7 January 1 of each two year cycle, shall submit to the
8 legislature and the governor a report setting forth:~~

- 9 (1) ~~A detailed analysis of the progress made toward
10 fulfilling the statewide children's mental health
11 services plan developed under section 321-175; and
12 (2) Other matters which are necessary or appropriate,
13 including recommendations for any amendment to any
14 law, any change in the administrative practices and
15 patterns of organization, the current and prevailing
16 memoranda of agreement, and any change in the levels
17 and patterns of financial support."~~]

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

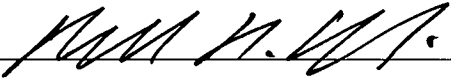
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1 SECTION 9. This Act shall take effect upon its approval.

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INTRODUCED BY:

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4

BY REQUEST

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Report Title:

Department of Health; Child and Adolescent Mental Health

Description:

Amends the statutes pertaining to mental health services for children and adolescents provided by the Child and Adolescent Mental Health Division of the Department of Health to reflect the current mental health systems of care that address intensive mental health needs of children and adolescents.

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 SERVICES FOR CHILDREN AND ADOLESCENTS.

PURPOSE: To amend the statutes pertaining to mental health services for children and adolescents provided by the Child and Adolescent Mental Health Division of the Department of Health to reflect the current mental health systems of care that address intensive mental health needs of children and adolescents.

MEANS: Add a new section to part XV of chapter 321, Hawaii Revised Statutes (HRS), amend sections 321-171, 321-172, 321-173, and 321-175, HRS, and repeal section 321-176, HRS.

JUSTIFICATION: Addressing mental health needs early in life is imperative for better health and well-being in adulthood. Adverse Childhood Experiences (commonly referred to as ACEs), various forms of trauma during a child's development, are linked to a greater likelihood of lifelong risky behaviors that can lead to chronic diseases and poor mental health such as depression, anxiety, and suicidality.

The importance of children and adolescents' mental health was emphasized during the COVID-19 pandemic. The pandemic significantly impacted the social, emotional, and mental well-being of youth globally. Hawaii children and adolescents, like children and adolescents in other states in the nation, were more likely to have depression and anxiety after the first year of the COVID-19 pandemic.

Currently, the Child and Adolescent Mental Health Division's (CAMHD) psychiatrists, psychologists, and care coordinators provide oversight of mental health care for eligible clients and contracts with mental health

professionals to provide community-based services. CAMHD's Family Guidance Centers are located statewide. Community-based services provision means that eligible children and adolescents receive mental health services and supports, near or in the community that they live, to minimize disruptions for the clients and their families' daily life.

CAMHD receives referrals from, and provides mental health services in coordination with, other state government agencies such as the Department of Education, Department of Human Services, and Family Court. CAMHD's Family Court Liaison Branch provides mental health services for youth who have been incarcerated or detained by juvenile court.

Impact on the public: Children and adolescents and their families will receive services from a more trauma-informed and coordinated system of care.

Impact on the department and other agencies: Continued collaboration with state agencies to further develop a trauma-informed, well-coordinated mental health system with a greater capacity of services for youth.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH 460.

OTHER AFFECTED AGENCIES: Department of Education; Department of Human Services; Judiciary.

EFFECTIVE DATE: Upon approval.