
A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

PART I

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

Accordingly, the purposes of this Act are to:

- (1) Require and appropriate funds for the department of health to track and publicly report data relating to crisis reports, emergency mental health transports, and court-ordered treatments;



- 1 (2) Require the department of health, or a contracted
- 2 service provider, to review reports about persons
- 3 having severe mental illnesses who need assistance;
- 4 assess whether the person may fulfill the criteria for
- 5 assisted community treatment; and, if the person meets
- 6 the criteria, coordinate the process for an assisted
- 7 community treatment order;
- 8 (3) Establish that a court's denial of a petition for
- 9 involuntary commitment shall serve as notification to
- 10 the department of health that the person should be
- 11 evaluated for assisted community treatment;
- 12 (4) Appropriate funds to the department of health for the
- 13 purposes of this Act; and
- 14 (5) Repeal the sunset date of Act 111, Session Laws of
- 15 Hawaii 2017, which allows a patient who has been
- 16 involuntarily committed to a psychiatric facility to
- 17 be ordered to receive treatment over the patient's
- 18 objection.

PART II

20 SECTION 2. Chapter 334, Hawaii Revised Statutes, is

21 amended as follows:



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

3 "§334-A Data concerning persons experiencing a mental
4 health crisis; reports. (a) The department shall track data on
5 reports of persons experiencing a mental health crisis and the
6 response to these persons by the department, service providers
7 contracted by the department pursuant to section 334-B(d), or
8 another department or private provider coordinating with the
9 department pursuant to section 334-B(a).

10 (b) The department shall publish a report on the
11 department's website on the data collected pursuant to
12 subsection (a). The report shall be updated at least monthly
13 and shall include the number of:

14 (1) Crisis reports, disaggregated by county, made to a
15 department hotline, crisis line, or other means for
16 the public to contact the department, including
17 through department-contracted service providers, and
18 the disposition of the reports;

19 (2) Persons transported for emergency examination pursuant
20 to section 334-59, disaggregated by type of transport,
21 length of time in the emergency room, disposition of



- 1 the matter, and the county in which the facility where
2 the person was transported is located;
- 3 (3) Assisted community treatment evaluations performed
4 prior to discharge pursuant to section 334-121.5 and
5 the disposition of the evaluations;
- 6 (4) Assisted community treatment petitions filed pursuant
7 to section 334-123, category of the petitioner,
8 whether the attorney general assisted with the
9 petition, disposition of the petition, length of time
10 to disposition, and number of persons currently under
11 an assisted community treatment order;
- 12 (5) Court orders for treatment over the patient's
13 objection sought pursuant to section 334-161,
14 disposition of the orders sought, and number of
15 patients currently under a court order for treatment;
- 16 (6) Administrative authorization for treatment over the
17 patient's objection sought pursuant to section
18 334-162, disposition of the authorization sought, and
19 number of patients currently under an administrative
20 authorization for treatment; and



1 (7) Involuntary hospitalization petitions filed pursuant
2 to section 334-60.3, disposition of the petitions,
3 length of time to disposition, and number of patients
4 currently under an involuntary hospitalization
5 petition.

6 (c) Each licensed physician; psychiatrist; psychologist;
7 advanced practice registered nurse with prescriptive authority
8 who holds an accredited national certification in an advanced
9 practice registered nurse psychiatric specialization; hospital;
10 psychiatric facility; or petitioner for an order for involuntary
11 hospitalization, authorization for treatment over the patient's
12 objection, or order for assisted community treatment shall
13 provide the information tracked under this section to the
14 department; provided that the persons or entities involved may
15 coordinate among each other to provide a single report of the
16 event to the department. The reports and information shall be
17 submitted to the department in the manner, time, and form
18 prescribed by the department."

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



1 "§334-B Department response to crisis reports. (a) When
2 the department receives credible information that a person
3 having a severe mental illness requires assistance, the
4 department shall dispatch staff to assist the person. The
5 department may coordinate the response with other departments or
6 private providers as necessary. This requirement shall apply to
7 communications received by any means by which the public may
8 contact the department, including through a department hotline,
9 crisis line, or other means, and shall apply to communications
10 received through department-contracted service providers.

11 (b) While assisting a person pursuant to subsection (a),
12 the department staff or responder from another department or
13 private provider coordinating with the department shall assess
14 whether the person meets the criteria for assisted community
15 treatment pursuant to section 334-121. If, upon assessment, the
16 department reasonably believes that the person meets the
17 criteria for assisted community treatment, the department shall
18 coordinate:

19 (1) Completion of an examination pursuant to section
20 334-121.5;



1 (2) Preparation of a certificate specified by section
2 334-123; and
3 (3) Filing, with assistance from the department of the
4 attorney general, a petition for an assisted community
5 treatment order pursuant to section 334-123;
6 provided that the certificate and petition shall not be required
7 if an assisted community treatment order is not indicated by the
8 examination; provided further that the examination, certificate
9 preparation, and filing of the petition may be completed by the
10 department, another department, or private provider coordinating
11 with the department pursuant to subsection (a), in which case
12 the department shall not be required to be the petitioner.
13 (c) Notwithstanding subsection (b), if the department is
14 unable to coordinate the process for an assisted community
15 treatment order, the department may notify another mental health
16 program for the coordination of care in the community for the
17 person.
18 (d) The department may contract with a service provider to
19 fulfill the requirements of this section."

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



1 "(i) If after hearing all relevant evidence, including the
 2 result of any diagnostic examination ordered by the court, the
 3 court finds that an individual is not a person requiring
 4 medical, psychiatric, psychological, or other rehabilitative
 5 treatment or supervision, the court shall order that the
 6 individual be discharged if the individual has been hospitalized
 7 prior to the hearing. Within twenty-four hours of the denial of
 8 a petition for involuntary commitment, the court shall provide
 9 notice to the department of the petition's denial, which shall
 10 serve as notification to the department that the individual
 11 should be assessed for assisted community treatment. If, upon
 12 assessment, the department reasonably believes the individual
 13 meets the criteria for assisted community treatment, the
 14 department shall coordinate the completion of an evaluation,
 15 preparation of a certificate, and filing of a petition pursuant
 16 to section 334-B(b)."

PART III

18 SECTION 4. Act 111, Session Laws of Hawaii 2017, is
 19 amended by amending section 8 to read as follows:

20 "SECTION 8. This Act shall take effect on July 1, 2017[~~7~~
 21 ~~and shall be re-pealed on June 30, 2024; provided that~~



1 ~~subsection (a) of section 334E-2, Hawaii Revised Statutes, as~~
2 ~~amended by section 3 of this Act, shall be reenacted in the form~~
3 ~~in which it read on June 30, 2017].~~

4 PART IV

5 SECTION 5. In accordance with section 9 of article VII of
6 the Hawaii State Constitution and sections 37-91 and 37-93,
7 Hawaii Revised Statutes, the legislature has determined that the
8 appropriations contained in Act 164, Regular Session of 2023,
9 and this Act will cause the state general fund expenditure
10 ceiling for fiscal year 2024-2025 to be exceeded by \$
11 or per cent. This current declaration takes into account
12 general fund appropriations authorized for fiscal year 2024-2025
13 in Act 164, Regular Session of 2023, and this Act only. The
14 reasons for exceeding the general fund expenditure ceiling are
15 that:

- 16 (1) The appropriation made in this Act is necessary to
17 serve the public interest; and
18 (2) The appropriation made in this Act meets the needs
19 addressed by this Act.



1 SECTION 6. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$2,250,000 or so much
3 thereof as may be necessary for fiscal year 2024-2025 for:

- 4 (1) Procurement of software;
- 5 (2) Preparation of the department of health's website for
6 data collection and publication of data reports
7 regarding responses to mental health crises;
- 8 (3) The establishment of one full-time equivalent (1.0
9 FTE) coordinator position;
- 10 (4) The establishment of one full-time equivalent (1.0
11 FTE) data position; and
- 12 (5) The establishment of one full-time equivalent (1.0
13 FTE) epidemiologist position.

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

16 SECTION 7. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ or so much
18 thereof as may be necessary for fiscal year 2024-2025 for the
19 development and implementation of statewide media, education,
20 and training activities for policies related to emergency



1 examination and hospitalization and assisted community treatment
2 for those in need of mental health intervention.

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

5 SECTION 8. In codifying the new sections added by
6 section 2 of this Act, the revisor of statutes shall substitute
7 appropriate section numbers for the letters used in designating
8 the new sections in this Act.

9 PART V

10 SECTION 9. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 10. This Act shall take effect on December 31,
13 2050.



Report Title:

DOH; AG; Mental Health; Judiciary; Assisted Community Treatment; Reports; General Fund Expenditure Ceiling Exceeded; 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. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation to the Department of Health for software and data collection and publication. Makes an appropriation to the Department of Health for statewide education and training on policies related to emergency examination and hospitalization and assisted community treatment. Repeals the sunset date of Act 111, SLH 2017, which allows a patient who has been involuntarily committed to a psychiatric facility to be ordered to receive treatment over the patient's objection. Declares that the appropriations exceed the general fund expenditure ceiling for 2024-2025. Effective 12/31/2050. (SD2)

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