
A BILL FOR AN ACT

RELATING TO COMMUNITY BEHAVIORAL HEALTH CLINICS.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to title 19 to be appropriately designated
3 and to read as follows:

4 **"CHAPTER**

5 **CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS**

6 § -1 **Purpose.** The purpose of this chapter is to
7 establish a community behavioral health clinics certifying
8 office to certify community behavioral health clinics and
9 provide technical assistance for clinics seeking certification
10 under federal guidelines to promote consistency and
11 accessibility for all people of the State to mental health and
12 substance use services.

13 § -2 **Definitions.** As used in this chapter, unless the
14 context otherwise requires:

15 "Board" means the certified community behavioral health
16 clinics oversight board.



1 "Certified community behavioral health clinic" means a
2 behavioral health clinic that meets the criteria established by
3 the federal Substance Abuse and Mental Health Services
4 Administration and has been certified by the office.

5 "Office" means the community behavioral health clinics
6 certifying office.

7 "Person" means one or more individuals, a company,
8 corporation, partnership, association, or any other type of
9 legal entity.

10 "Prospective payment system" means a payment methodology
11 that establishes a fixed rate for services provided by a
12 certified community behavioral health clinic.

13 **§ -3 Establishment of the community behavioral health**
14 **clinics certifying office; staff; duties.** (a) There is
15 established a community behavioral health clinics certifying
16 office within the department of health for administrative
17 purposes only. The office shall be headed by an executive
18 director, who shall be appointed by the board and shall be
19 exempt from chapter 76. The executive director shall have
20 experience in health care administration and behavioral health.



1 (b) At a minimum, the staff of the office shall consist
2 of:

3 (1) One full-time quality manager;

4 (2) One full-time financial analyst;

5 (3) One full-time administrative assistant to the
6 executive director;

7 (4) One full-time evaluator; and

8 (5) One full-time data engineer;

9 provided that the staff listed in this subsection shall be
10 exempt from chapter 76 and shall serve at the pleasure of the
11 executive director of the office.

12 (c) The office shall have the following powers and duties:

13 (1) Administer a certified community behavioral health
14 clinics program, which shall include but not be
15 limited to:

16 (A) Creating and maintaining a prospective payment
17 system, including analysis of cost reports for
18 rebasing;

19 (B) Creating and maintaining certification criteria
20 for community behavioral health clinics; provided
21 that the certification criteria shall be no less



1 stringent than that required by the federal
2 Substance Abuse and Mental Health Services
3 Administration;

4 (C) Certifying community behavioral health clinics,
5 monitoring and, when necessary, providing
6 corrective action to certified community
7 behavioral health clinics;

8 (D) Providing technical assistance to certified
9 community behavioral health clinics and to
10 clinics seeking certification regarding
11 certification requirements and the prospective
12 payment system; and

13 (E) Coordinating and collaborating with government
14 and private entities to ensure federal
15 compliance, including submission of required data
16 and reports;

17 (2) Participate and engage with individuals and public and
18 private entities to ensure successful delivery of
19 mental health and substance use services to all people
20 of the State through certified community behavioral
21 health clinics;



(3) Establish reasonable fees for certification application; and

(4) Adopt rules pursuant to chapter 91 for the purposes of implementing this chapter.

§ -4 **Certified community behavioral health clinics oversight board; established.** (a) There is established a certified community behavioral health clinics oversight board within the department of health for administrative purposes only. The board shall be composed of nine members to be appointed by the governor pursuant to section 26-34 for staggered terms; provided that at least fifty per cent of the board shall be residents of a county with a population less than 500,000. The members of the board shall include:

(1) One representative from each of the counties of Hawaii, Maui, Kauai, and the city and county of Honolulu, each of whom shall be a resident with lived experience in mental health or substance use conditions, or both;

(2) One representative from a federally qualified health center;



(3) One representative from a substance use treatment provider;

(4) One representative from an adult mental health treatment provider;

(5) One representative from an inpatient psychiatric facility, inpatient acute care hospital, or hospital outpatient clinic; and

(6) One board certified physician in the field of pediatrics or child psychiatry.

(b) The following shall serve as ex officio, nonvoting members of the board:

(1) The governor, or the governor's designee;

(2) The director of health, or the director's designee;

(3) The superintendent of education, or the superintendent's designee; and

(4) The administrator of the med-QUEST division of the department of human services, or the administrator's designee.

(c) The board shall perform the following duties and functions:

(1) Review and comment upon:



- 1 (A) Clinic certification applications; and
- 2 (B) Any changes or modifications to certification
- 3 criteria;
- 4 (2) Decertify a certified community behavioral health
- 5 clinic as appropriate if the certified community
- 6 behavioral health clinic has not made required
- 7 corrective action;
- 8 (3) Encourage efficient and coordinated use of federal,
- 9 state, and private resources in the provision of
- 10 services;
- 11 (4) Identify gaps in services and coordinate
- 12 responsibilities of various public or private agencies
- 13 for the missing services;
- 14 (5) Advocate for the needs of individuals with mental
- 15 health or substance use conditions, or both, before
- 16 the legislature, the public, and the governor; and
- 17 (6) Support and conduct outreach activities to identify
- 18 individuals with mental health or substance use
- 19 conditions, or both, and their families to obtain
- 20 services, including access to crisis services or other
- 21 specialized services.



1 (d) Members of the board shall serve without compensation,
2 but shall be paid their necessary expenses in attending meetings
3 of the board.

4 § -5 **Certified community behavioral health clinics;**
5 **certification; operations.** (a) No person, public or private,
6 shall operate a certified community behavioral health clinic
7 with the expectation of payment for services under a prospective
8 payment system unless the community behavioral health clinic has
9 been certified by the office pursuant to this chapter.

10 (b) Notwithstanding any other law to the contrary, a
11 department of health community mental health center may provide
12 services necessary to meet certification criteria established by
13 the office."

14 SECTION 2. Section 329-2, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§329-2 **Hawaii advisory commission on drug abuse and**
17 **controlled substances; number; appointment.** There shall be
18 established a state advisory commission on drug abuse and
19 controlled substances consisting of ~~not~~ no more than fifteen
20 nor less than nine members appointed by the governor, as
21 provided in section 26-34. The members shall be selected on the



1 basis of their ability to contribute to the solution of problems
2 arising from the abuse of controlled substances, and to the
3 extent possible, shall represent the pharmacological, medical,
4 community and business affairs, youth action, educational, legal
5 defense, enforcement, and corrections segments of the community.
6 One of the appointed members shall be a member of the state
7 council on mental health established by section 334-10, and
8 shall be knowledgeable about the community and the relationships
9 between mental health, mental illness, and substance abuse. One
10 of the appointed members shall be a representative from the
11 certified community behavioral health clinics certifying office
12 established by section -3. The commission shall elect a
13 chairperson from among its members. The members shall serve
14 without compensation, but shall be paid their necessary expenses
15 in attending meetings of the commission. The commission shall
16 be a part of the department of health for administrative
17 purposes; provided that the department of health shall appoint
18 an ex-officio non-voting representative to the commission who
19 shall regularly attend meetings of both this commission and the
20 state council on mental health, and make regular reports to both
21 bodies."



1 SECTION 3. Section 334-10, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) There is established, within the department of health
4 for administrative purposes, a state council on mental health.
5 The council shall consist of [~~twenty-one~~] twenty-two members
6 appointed by the governor as provided in section 26-34. In
7 making appointments to the council, the governor shall ensure
8 that all service area boards of the State are represented, and
9 that a majority of the members are nonproviders of mental health
10 or other health services, and that a majority of the members are
11 not state employees. The number of parents of children with
12 serious emotional disturbances shall be sufficient to provide
13 adequate representation of such children in the deliberations of
14 the council. The council shall be composed of residents of the
15 State, including individuals representing:

16 (1) The principal state agencies with respect to mental
17 health, education, vocational rehabilitation, criminal
18 justice, housing, medicaid, and social services;

19 (2) Public and private entities concerned with the need,
20 planning, operation, funding, and use of mental health
21 services and related support services;



1 (3) Adults with serious mental illnesses who are
2 receiving, or have received, mental health services;

3 (4) The families of such adults or families of children
4 with serious emotional disturbances; ~~[and]~~

5 (5) The Hawaii advisory commission on drug abuse and
6 controlled substances who shall be a person
7 knowledgeable about the community and the
8 relationships between mental health, mental illness,
9 and substance abuse~~[-]~~; and

10 (6) The certified community behavioral health clinics
11 certifying office established pursuant to
12 section -3."

13 SECTION 4. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2026-2027 to
16 carry out the purposes of this Act, including the hiring of
17 necessary staff for the community behavioral health clinics
18 certifying office established pursuant to this Act.

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



1 SECTION 5. If any provision of this Act, or the
2 application thereof to any person or circumstance, is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 6. If any part of this Act is found to be in
8 conflict with federal requirements that are a prescribed
9 condition for the allocation of federal funds to the State, the
10 conflicting part of this Act is inoperative solely to the extent
11 of the conflict and with respect to the agencies directly
12 affected, and this finding does not affect the operation of the
13 remainder of this Act in its application to the agencies
14 concerned. The rules adopted under this Act shall meet federal
15 requirements that are a necessary condition to the receipt of
16 federal funds by the State.

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

19 SECTION 8. This Act shall take effect on July 1, 3000.



Report Title:

Department of Health; Community Behavioral Health Clinics
Certifying Office; Oversight Board; Hawaii Advisory Commission
on Drug Abuse and Controlled Substances; State Council on Mental
Health; Appropriation

Description:

Establishes the Community Behavioral Health Clinics Certifying
Office to certify community behavioral health clinics and
provide technical assistance for clinics seeking certification.
Establishes the Certified Community Behavioral Health Clinics
Oversight Board. Amends the composition of the Advisory
Commission on Drug Abuse and Controlled Substances and State
Council on Mental Health to include a member from the Community
Behavioral Health Clinics Certifying Office. Appropriates
funds. Effective 7/1/3000. (SD1)

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not legislation or evidence of legislative intent.*

