

ACT 78

S.B. NO. 1117

A Bill for an Act Relating to Mental Health.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that although there are more than 10,000 seriously mentally ill adults in Hawaii, only 900 are actively receiving services from the State's mental health system. Recent reports have ranked Hawaii last among the states in the provision of mental health services. Accordingly, it is time to make a significant commitment to building a complete system we can be proud of.

In previous years the legislature: (1) dramatically increased funding for private nonprofit organizations providing mental health services; (2) established a mental health "clubhouse" for consumers; and (3) required that mental health and substance abuse services be provided as part of regular health insurance. These measures, however, were only a beginning. The key still remains the reorganization of the department of health, the expansion of the case management system, the shift in focus from the state hospital to community-based services, and the development of alternative housing. Of primary concern in all of these tasks is the system's capacity to ensure that, through case managers and other mechanisms, each consumer is provided the best possible care, and to integrate consumers in the planning, monitoring, and evaluation of services.

The legislature further finds that in 1984, an agreement was signed between the United States Office of Civil Rights and the department of health outlining a number of actions which were required in order to conform with federal laws. Recent communications indicate that the department is in compliance with the agreement with one major exception: adolescent day treatment services. Specifically, the federal Age Discrimination Act of 1975 requires that services provided to adolescents be comparable to those offered to adults.

The purpose of this Act is to identify required funding to revitalize Hawaii's mental health system; to provide needed services for the bilingual immigrant and refugee populations; to provide funds to upgrade case management services; to establish a new, secured, short-term residential treatment facility for adolescents; to provide funds for adolescent day treatment services on the neighbor islands; to

provide flexible funding for children's programs to prevent inappropriate hospitalization; to identify early childhood mental health problems; and to suggest budget provisions which represent agreements among the department of health, advocacy groups, consumers, and families.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by \$3,102,388 or 0.13 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

PART I. ADULT MENTAL HEALTH SERVICES

SECTION 3. Chapter 334, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§334- Bilingual mental health services. (a) There is established in the mental health division of the department of health, a mental health unit which shall provide bilingual mental health services statewide.

(b) The mental health unit established in this section shall have the following functions and shall provide the following services:

- (1) Outreach;
- (2) Education;
- (3) Case finding;
- (4) Screening;
- (5) Referral and linkage;
- (6) Consultation;
- (7) Crisis stabilization;
- (8) Community support services;
- (9) System advocacy;
- (10) Client support and advocacy; and
- (11) Monitoring and follow-up."

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$200,000, or so much thereof as may be necessary for fiscal year 1989-1990, and the sum of \$200,000, or so much thereof as may be necessary for fiscal year 1990-1991, to the division of mental health of the department of health for the creation of a mental health unit, pursuant to section 3, which shall provide bilingual mental health services to immigrants and refugees on a statewide basis.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$908,022, or so much thereof as may be necessary for fiscal year 1989-1990, and the sum of \$1,748,660, or so much thereof as may be necessary for fiscal year 1990-1991, to provide for positions and funds to upgrade case management services.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$750,000, or so much thereof as may be necessary for fiscal year 1989-1990, for the plans, design, and construction of the Waipahu mental health center on Oahu, and the sum of \$750,000, or so much thereof as may be necessary for fiscal year 1989-1990, for the plans, design, and construction of the

Kalihi-Palama mental health center on Oahu. Both centers shall act as multi-use, drop-in mental health centers for seriously disabled mentally ill clients.

PART II. CHILDREN'S AND ADOLESCENT MENTAL HEALTH SERVICES

SECTION 7. There is appropriated out of the general funds of the State of Hawaii the sum of \$333,366, or so much thereof as may be necessary for fiscal year 1989-1990, and the sum of \$333,366, or so much thereof as may be necessary for fiscal year 1990-1991, to establish a secured, short-term residential treatment facility for adolescents. The department of health shall work with the department of human services, the department of education, and the family court to develop a secured, short-term residential facility to house no more than five adolescents at any given time for a period of thirty days or less, unless otherwise mutually determined by the four agencies.

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of \$90,000, or so much thereof as may be necessary for fiscal year 1989-1990, and the sum of \$94,500, or so much thereof as may be necessary in fiscal year 1990-1991, to provide flexible funding for children's mental health teams to: (1) prevent out-of-home placement of children; (2) enable families to be supported in keeping and maintaining their children at home; and (3) reduce inappropriate hospitalization of children.

SECTION 9. There is appropriated out of the general revenues of the State of Hawaii the sum of \$71,000, or so much thereof as may be necessary for fiscal year 1989-1990, and the sum of \$74,550, or so much thereof as may be necessary for fiscal year 1990-1991, to prevent serious emotional problems and to provide early intervention through the early childhood family education program.

PART III. BUDGET PROVISIONS

SECTION 10. In expending the general funds appropriated for community-based services for mental health (HTH 401), the department of health shall expand community participation in the program and resource planning process by:

- (1) Including primary consumers, family members of consumers, and advocates for consumers on appropriate statewide-level planning and advisory councils;
- (2) Conducting a drive to fill mental health center board seats, conducting an orientation for all new board members, and requiring the attendance of the mental health center chiefs at all center board meetings;
- (3) Establishing a consumer's advisory group for each mental health center to consider the quality and scope of services, to review the departmental budget recommendations, to evaluate the extent of community input in mental health, to assist in the development of requests for proposals, and to evaluate new reforms of the mental health system. Community-based housing shall be reviewed for adequate operating funds; and
- (4) Making a concerted effort to hire knowledgeable consumers and family members as case managers.

The department of health shall submit a report to the legislature on the success of these efforts and suggestions for appropriate changes in funding or legislation. This report shall be submitted to the legislature twenty days prior to the convening of the 1990 regular session.

SECTION 11. Of the general fund appropriation for community-based services for mental health (HTH 401), the sum of \$150,000 in fiscal year 1989-1991

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shall be used to complete the required fee structure procedures and also to amend the state medicaid plan and to obtain additional medicaid funds for expanded mental health services.

SECTION 12. In expending the general funds appropriated for general administration of the department of health (HTH 907), for the department reorganization, the department shall:

- (1) Conduct public meetings and presentations which address, among other things, specific plans for mental health services covering: (1) children and adolescents; (2) adults; and (3) drug and alcohol abuse with special emphasis on the seriously disabled mentally ill; and
- (2) Invite primary consumer groups, family members, and advocates to suggest candidates for the position of deputy director for behavioral health. These suggestions shall be forwarded to the governor.

SECTION 13. In expending the general funds appropriated for community-based services for mental health (HTH 401), the department of health shall conclude specific written agreements with other departments on the governor's sub-cabinet task force to specify the roles and responsibilities of each department in mental health services program and resource planning. In developing requests for proposals for purchases of service, the department of health shall convene interagency committees to coordinate and to avoid duplications of effort. The department of health shall submit a report to the legislature detailing these agreements twenty days prior to the convening of the 1990 session.

SECTION 14. In expending the funds appropriated for community-based services for mental health (HTH 401), the department of health shall implement and make operational the single access system for mental health services, with primary emphasis on the decision making authority of the community mental health centers regarding management and treatment of clients, including hospital admission and discharge planning by the end of fiscal year 1990-1991. The department shall establish a cooperative process with consumer advocate organizations to monitor the implementation of the single access system. The department shall submit a report to the legislature on the status of this implementation twenty days prior to the convening of the 1990 regular session. A further report shall be submitted twenty days prior to the convening of the 1991 regular session.

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

SECTION 16. This Act shall take effect on July 1, 1989.

(Approved May 11, 1989.)

Note

1. Edited pursuant to HRS §23G-16.5.