

ACT 125

H.B. NO. 3498

A Bill for an Act Relating to Mental Health.

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

SECTION 1. Section 321-171, Hawaii Revised Statutes, is amended to read as follows:

**“[[§321-171]] Children’s mental health services; department responsibility.** It shall be the responsibility of the department of health to:

- (1) Provide preventative health services for children and youth;
- (2) Provide diagnostic and treatment services for emotionally disturbed children and youth; and
- (3) Provide treatment and rehabilitative services for mentally ill children and youth.

Such services shall be delivered at the earliest possible moment after the need for such services is established. All eligible children and youth between the ages of birth and seventeen shall receive the necessary mental health services to insure their proper and full development. If there is any adjudication or settlement of any legal

action involving the delivery of children's mental health services, the department of health shall be responsible for the coordination of carrying out the terms of the judgement or settlement."

SECTION 2. Section 334-4, Hawaii Revised Statutes, is amended to read as follows:

**"§334-4 Personnel for mental health program.** The director of health shall appoint [such] professional and nonprofessional staff as the director deems necessary to carry out the state mental health program and for which appropriations are available. Positions for psychiatrists are exempted from chapters 76 and 77. The director may employ [such] psychiatrists as [may be] needed by the department of health on a contractual basis, [the contract being] subject to the approval of the governor. The director of health may appoint an administrator, three associate hospital administrators, a risk manager, a patients' rights advisor, and a facilities plant engineer for the state hospital established pursuant to section 334-31 and these positions shall be exempt from chapters 76 and 77."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 1996.

(Approved June 12, 1996.)