



GOV. MSG. NO. 1288

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 1, 2016

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 1, 2016, the following bill was signed into law:

SB2560 SD2 HD1 CD1

RELATING TO MENTAL HEALTH  
**ACT 186 (16)**

Sincerely,

A handwritten signature in black ink, reading "David Y. Ige".

DAVID Y. IGE  
Governor, State of Hawai'i

Approved by the Governor

JUL 1 2016

on \_\_\_\_\_

THE SENATE

TWENTY-EIGHTH LEGISLATURE, 2016

STATE OF HAWAII

ACT 186  
S.B. NO.

2560  
S.D. 2  
H.D. 1  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1       SECTION 1. The purpose of this Act is to address the  
2 mental health of homeless persons.

3       More specifically, this Act:

4       (1) Requires the department of health to provide treatment  
5 and care for homeless individuals with serious and  
6 persistent mental health challenges that prevent them  
7 from obtaining housing and residing successfully in  
8 the community as a part of its comprehensive mental  
9 health system; and

10       (2) Makes an appropriation of general funds to the  
11 department of health for the provision of treatment  
12 and care for homeless individuals with serious and  
13 persistent mental health challenges.

14       SECTION 2. Section 334-1, Hawaii Revised Statutes, is  
15 amended by adding a new definition to be appropriately inserted  
16 and to read as follows:

17       "Homeless individual" means an individual who is homeless  
18 as defined under section 346-361 and who has a serious and



1 persistent mental illness or is otherwise eligible for  
2 treatment."

3 SECTION 3. Section 334-2, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§334-2 Mental health system. The department of health  
6 shall foster and coordinate a comprehensive mental health system  
7 utilizing public and private resources to reduce the incidence  
8 of mental or emotional disorders and substance abuse [~~and~~], to  
9 treat and rehabilitate the victims in the least restrictive and  
10 most therapeutic environment possible[~~-~~], and to provide  
11 treatment and care for homeless individuals with serious and  
12 persistent mental health challenges to enable them to reside in  
13 a permanent dwelling unit or homeless facility, as defined in  
14 section 346-361. The department shall administer such programs,  
15 services, and facilities as may be provided by the State to  
16 promote, protect, preserve, care for, and improve the mental  
17 health of the people."

18 SECTION 4. Section 334-2.5, Hawaii Revised Statutes, is  
19 amended by amending subsection (a) to read as follows:

20 "(a) The director may contract with any person for:



- 1 (1) The development or operation of private in-state  
2 psychiatric facilities;
- 3 (2) The placement of patients in existing private or  
4 public psychiatric facilities; and
- 5 (3) The provision of:
- 6 (A) Secure psychiatric rehabilitation services;
- 7 (B) Crisis intervention and stabilization services;
- 8 (C) Intensive treatment and wraparound services;
- 9 (D) Diversion services;
- 10 (E) Special treatment facilities or therapeutic  
11 living programs as defined in section 334-1;
- 12 (F) Case management services;
- 13 (G) Housing services; ~~and~~
- 14 (H) Outreach services, with priority for outreach  
15 services intended to help homeless individuals  
16 with serious and persistent mental health  
17 challenges reside in homeless facilities,  
18 permanent dwelling units, or other facilities and  
19 avoid returning to homelessness; and
- 20 ~~[(H)]~~ (I) Other mental health treatment and  
21 rehabilitation services."



SECTION 5. Section 334-103, Hawaii Revised Statutes, is amended to read as follows:

"§334-103 Program elements. The following shall be the program elements of the system. These shall be designed to provide, at every level, alternatives to institutional settings. Applicants applying to operate program elements shall show how each of these elements works with the current programs in the community the facility will serve. Applicants may apply for operation under the following program elements:

- (1) A short-term crisis residential alternative to hospitalization for individuals experiencing an acute episode or situational crisis. The program shall be available for admissions twenty-four hours a day, seven days a week. The primary focus of this element shall be on reduction of the crisis, stabilization, diagnostic evaluation, and assessment of the person's existing support system, including recommendations for referrals upon discharge. This service in the program shall be designed for persons who would otherwise be referred to an acute inpatient psychiatric unit;



- 1           (2) A long-term residential treatment program for clients  
2           who would otherwise be living marginally in the  
3           community with little or no service support, and who  
4           would return many times to the hospital for treatment.  
5           It also will serve those who are referred to, and  
6           maintained in, state facilities or nursing homes, or  
7           private or public facilities or programs under  
8           contract with the director pursuant to section  
9           334-2.5, because they require long-term, intensive  
10          support. This service shall be designed to provide a  
11          rehabilitation program for the so-called "chronic"  
12          patient who needs long-term support in order to  
13          develop independent living skills. This program goes  
14          beyond maintenance to provide an active rehabilitation  
15          focus for these individuals;
- 16          (3) A transitional residential program designed for  
17          persons who are able to take part in programs in the  
18          general community, but who, without the support of  
19          counseling[?] as well as the therapeutic community,  
20          would be at risk of returning to the hospital[?] or  
21          becoming homeless by reason of serious and persistent



1       mental health challenges. These programs may employ a  
2       variety of staffing patterns and are for persons who  
3       are expected to move toward a more independent living  
4       setting. The clients shall be expected to play a  
5       major role in the functioning of the household[7] and  
6       shall be encouraged to accept increasing levels of  
7       responsibility, both in the residential community[7]  
8       and in the community as a whole. Residents are  
9       required to be involved in daytime activities outside  
10      of the facility [~~which~~] that are relevant to their  
11      personal goals and conducive to their achieving more  
12      self-sufficiency; or

- 13      (4) A semisupervised, independent, but structured living  
14      arrangement for persons who do not need the intensive  
15      support of the system elements of paragraph (1), (2),  
16      or (3), but who, without some support and structure,  
17      are at risk of requiring hospitalization[7] or  
18      becoming homeless by reason of serious and persistent  
19      mental health challenges. The small cooperative  
20      housing units shall function as independent households  
21      with direct linkages to staff support in case of

1 emergencies, as well as for regular assessment and  
2 evaluation meetings. Individuals may use satellite  
3 housing as a transition to independent living[7] or  
4 may remain in this setting indefinitely in order to  
5 avoid the need for more intensive settings. This  
6 element is for persons who only need minimum  
7 professional or paraprofessional support in order to  
8 live in the community. These units should be as  
9 normative as the general living arrangements in the  
10 communities in which they are developed."

11 SECTION 6. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$500,000 or so much  
13 thereof as may be necessary for fiscal year 2016-2017 to provide  
14 treatment and care for homeless individuals with serious and  
15 persistent mental health challenges to enable them to reside in  
16 a permanent dwelling unit or homeless facility.

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

19 SECTION 7. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 8. This Act shall take effect on July 1, 2016.



S.B. NO. 2560  
S.D. 2  
H.D. 1  
C.D. 1

APPROVED this 1 day of JUL , 2016

A handwritten signature in black ink, appearing to read "David Y. Ige". The signature is fluid and cursive, with a large, stylized "Y" and a long, sweeping underline.

GOVERNOR OF THE STATE OF HAWAII