
A BILL FOR AN ACT

RELATING TO HOMELESS INDIVIDUALS WITH SEVERE MENTAL ILLNESS.

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

1 SECTION 1. The legislature finds that the State has a gap
2 in services for homeless individuals with severe mental illness
3 or severe co-occurring mental illness and substance use
4 disorders, as these individuals often cycle between
5 homelessness, emergency room treatment, incarceration, and
6 hospitalization. Individuals with severe mental illness or
7 severe co-occurring mental illness and substance use disorders
8 typically become chronically homeless and further burden the
9 health care system through excessive use of expensive emergency
10 department, inpatient treatment, and crisis services. Due to
11 their mental illness, these individuals routinely reject offered
12 services and remain on the street, putting themselves at risk of
13 further injury and creating a significant burden on the
14 communities where they reside.

15 The purpose of this Act is to require the department of
16 human services, in consultation with the department of health,
17 to establish a three-year pilot project to procure the services



1 of a service provider to operate a shelter and provide mental
2 health treatment for homeless individuals with severe mental
3 illness or severe co-occurring mental illness and substance use
4 disorders who are subject to court-ordered assisted community
5 treatment or court-ordered guardianship.

6 SECTION 2. (a) Pursuant to chapter 103D or 103F, Hawaii
7 Revised Statutes, the department of human services, in
8 consultation with the department of health, shall establish a
9 three-year pilot project to procure the services of a service
10 provider, referred to hereinafter as the designated service
11 provider, to operate a shelter and provide mental health
12 treatment for a limited number of homeless individuals with
13 severe mental illness or severe co-occurring mental illness and
14 substance use disorders who are subject to court-ordered
15 assisted community treatment or court-ordered guardianship, with
16 the goal of rehabilitating and transitioning these individuals
17 to a group home within twelve weeks.

18 (b) Prior to the establishment of and during the pilot
19 project:

20 (1) The adult protective and community services branch of
21 the department of human services shall petition the



1 family court for court-ordered assisted community
2 treatment or court-ordered guardianship for a homeless
3 individual with severe mental illness or severe co-
4 occurring mental illness and substance use disorders;
5 provided that in the case of public guardianship of
6 the homeless individual pursuant to chapter 551A,
7 Hawaii Revised Statutes, the adult protective and
8 community services branch shall be responsible for
9 providing all information and records, and filing all
10 documents and forms, as may be necessary to effectuate
11 public guardianship under this paragraph; or

12 (2) A licensed physician employed by the designated
13 service provider shall petition the family court for
14 court-ordered assisted community treatment for a
15 homeless individual with severe mental illness or
16 severe co-occurring mental illness and substance use
17 disorders;

18 provided that the individual's court-ordered treatment states
19 that it is in the individual's best interest to enroll in a
20 mental health treatment program, such as the pilot project
21 established in this Act.



1 Under court-ordered assisted community treatment or court-
2 ordered guardianship within the pilot project and
3 notwithstanding any other law to the contrary, a licensed
4 physician employed by the designated service provider, or a
5 legal guardian, respectively, may place the homeless individual
6 into the shelter to receive mental health treatment, including
7 over the individual's objection, at the shelter for a designated
8 period of time or until the individual is sufficiently
9 rehabilitated to be able to transition to a group home.

10 (c) No more than eight homeless individuals with severe
11 mental illness or severe co-occurring mental illness and
12 substance use disorders may receive shelter and mental health
13 treatment at the facility at any given time; provided that a
14 homeless individual with severe mental illness or severe co-
15 occurring mental illness and substance use disorders should
16 provide appropriate identification documentation, including but
17 not limited to a social security card, driver's license, or
18 civil identification card, to be eligible for shelter and mental
19 health treatment at the facility.

20 (d) The pilot project shall end on June 30, 2021. The
21 department of human services, in consultation with the



1 governor's coordinator on homelessness, shall submit to the
2 legislature:

3 (1) An interim report no later than twenty days prior to
4 the convening of the regular session of 2021 detailing
5 findings and recommendations regarding the pilot
6 project, including findings regarding the pilot
7 project's contribution to successfully transitioning
8 homeless individuals with severe mental illness or
9 severe co-occurring mental illness and substance use
10 disorders to permanent housing, challenges or failures
11 of the pilot project, and any proposed legislation;
12 and

13 (2) A final report no later than twenty days prior to the
14 convening of the regular session of 2022.

15 (e) The department of human services shall enter a
16 memorandum of understanding with the department of health and
17 the designated service provider in providing shelter and mental
18 health treatment to homeless individuals with severe mental
19 illness or severe co-occurring mental illness and substance use
20 disorders subject to court-ordered assisted community treatment
21 or court-ordered guardianship.



1 (f) The designated service provider shall identify and
2 locate a suitable, unused facility in which to provide shelter
3 and mental health treatment services and shall make any
4 necessary changes to the facility to serve individuals with
5 severe mental illness or severe co-occurring mental illness and
6 substance use disorders; provided that the facility shall be
7 approved by the department of health prior to establishment of
8 the pilot project.

9 (g) The department of human services and the designated
10 service provider shall provide the governor's office with access
11 to all data from the pilot project. The governor's office shall
12 ensure that data from the pilot project is entered into the
13 United States Department of Housing and Urban Development's
14 Homeless Management Information System.

15 (h) The department of human services may adopt rules
16 pursuant to chapter 91, Hawaii Revised Statutes, to effectuate
17 this Act.

18 SECTION 3. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ or so
20 much thereof as may be necessary for fiscal year 2018-2019 to
21 establish a pilot project to operate a shelter, including the



1 hiring of a social worker and social service assistant to
2 provide twenty-four-hour, seven-days-a-week assistance for the
3 shelter and one 0.5 full-time equivalent (0.5 FTE) staff
4 position in the office of the public guardian; leasing of a
5 facility for the shelter; and administrative expenses, including
6 fees and costs for the designated service provider to obtain
7 court-ordered assisted community treatment or court-ordered
8 guardianship to provide shelter and mental health treatment for
9 homeless individuals with severe mental illness or severe co-
10 occurring mental illness and substance use disorders pursuant to
11 this Act; provided that the department of human services may
12 procure mental health services and any other services necessary
13 to achieve the goals of the pilot project described in section 2
14 of this Act.

15 The sum appropriated shall be expended by the department of
16 human services for the purposes of this Act.

17 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Individuals with Severe Mental Illness; Individuals with Severe Co-Occurring Mental Illness and Substance Use Disorders; Homeless; Facility; Appropriation; DHS; DOH; Court-ordered Assisted Community Treatment; Court-ordered Guardianship

Description:

Requires the Department of Human Services, in consultation with the Department of Health, to establish a pilot project to procure services from a designated service provider to operate a facility to provide shelter and mental health treatment for homeless individuals with severe mental illness or severe co-occurring mental illness and substance use disorders who are subject to court-ordered assisted community treatment or court-ordered guardianship. Requires the adult protective and community services branch of the Department of Human Services or a licensed physician employed by the designated service provider to request court-ordered assisted community treatment or court-ordered guardianship for homeless individuals with severe mental illness or severe co-occurring mental illness and substance use disorders. Requests that homeless individuals with severe mental illness or severe co-occurring mental illness and substance use disorders provide identification documentation prior to receiving shelter and mental health treatment. Requires the designated service provider to locate an unused, suitable facility to operate as a shelter. Makes an appropriation. Effective 7/1/3000. (SD2)

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