
A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1 SECTION 1. The legislature finds that the State has
2 several key tools and programs to assist individuals with
3 untreated severe mental illness. These include court-ordered
4 plans of treatment, known in Hawaii as "assisted community
5 treatment" or "ACT" orders; involuntary commitments to the state
6 hospital or similar facility; court-ordered medication; and
7 department of health crises programs, among others. The
8 legislature further finds that there are areas for improvement,
9 especially as available resources and needs change over time.

10 Accordingly, the purpose of this Act is to improve the
11 State's mental health resources by requiring:

12 (1) The department of health to respond to reports about
13 persons with severe mental illness who need assistance
14 and assess whether those persons may fulfill the
15 criteria for assisted community treatment and, if a
16 person meets that criteria, initiate the process for
17 an assisted community treatment order;



1 (2) The department of health to track and publicly report
2 data relating to crises reports, emergency mental
3 health transports, and court-ordered treatments, and
4 appropriating moneys to support technology needs for
5 data collection and reporting;

6 (3) The court, when dismissing an involuntary
7 hospitalization petition for a person, to assess
8 whether the person meets the criteria for assisted
9 community treatment and authorizing the court to order
10 the person to obtain assisted community treatment,
11 which may include medication; and

12 (4) The department of the attorney general to assist with
13 the preparation and filing of assisted community
14 treatment petitions and related court proceedings for
15 private petitioners unless the petitioner declines the
16 assistance.

17 SECTION 2. Chapter 334, Hawaii Revised Statutes, is
18 amended as follows:

19 1. By adding a new section to part I to be appropriately
20 designated and to read:



1 "§334- Data concerning persons experiencing a mental
2 health crisis. The department shall track and publish data
3 regarding reports of and responses to mental health crises.
4 Reports required under this section shall be updated at least
5 monthly, shall be reported on the department's website, and
6 shall include:

- 7 (1) The number of reports, by county, made to a department
8 hotline, crisis line, or other means for the public to
9 contact the department, including through
10 department-contracted services and providers, and the
11 disposition of those reports;
- 12 (2) The number of persons transported for emergency
13 examination pursuant to section 334-59 by type of
14 transport, length of time in the emergency room,
15 disposition of the matter, and county in which the
16 facility where the person was transported is located;
- 17 (3) The number of assisted community treatment evaluations
18 performed prior to discharge pursuant to section
19 334-121.5 and the disposition of the evaluations;
- 20 (4) The number of assisted community treatment petitions
21 filed pursuant to section 334-123, category of the



1 petitioner, whether the attorney general assisted with
2 the petition, disposition of the petition, length of
3 time to disposition, and number of persons currently
4 under an assisted community treatment order;

5 (5) The number of:

6 (A) Court orders for treatment over the patient's
7 objection sought pursuant to section 334-161,
8 disposition of those orders sought, and number of
9 patients currently under a court order for
10 treatment; and

11 (B) Administrative orders for treatment over the
12 patient's objection sought pursuant to section
13 334-162, disposition of those orders sought, and
14 number of patients currently under an
15 administrative order for treatment; and

16 (6) The number of involuntary hospitalization petitions
17 filed pursuant to section 334-60.3, disposition of
18 those petitions, length of time to disposition, and
19 the number of patients currently under an involuntary
20 hospitalization petition."



1 2. By adding a new section to part VIII to be
2 appropriately designated and to read:

3 "§334- Department response to crisis reports. (a)

4 When the department receives credible information that a person
5 who has severe mental illness requires assistance, the
6 department shall dispatch staff or a service provider to assist
7 the person and may coordinate the response with other agencies
8 as necessary. This requirement shall apply to communications
9 received by any means by which the public may contact the
10 department, including through a department hotline, crisis line,
11 or other means, and shall apply to communications received
12 through department-contracted services and providers.

13 (b) While assisting a person pursuant to section (a), the
14 department staff or service provider shall assess whether the
15 person meets the criteria for assisted community treatment
16 pursuant to section 334-121.

17 (c) If, upon assessment of a person pursuant to subsection
18 (b), the department reasonably believes that the person meets
19 the criteria for assisted community treatment, the department,
20 with assistance from the department of the attorney general,



1 shall file a petition for an assisted community treatment
2 order."

3 SECTION 3. Section 334-60.5, Hawaii Revised Statutes, is
4 amended by amending subsection (i) to read as follows:

5 "(i) If, after hearing all relevant evidence, including
6 the result of any diagnostic examination ordered by the court,
7 the court finds that an individual is not a person requiring
8 medical, psychiatric, psychological, or other rehabilitative
9 treatment or supervision, the court shall order that the
10 individual be discharged if the individual has been hospitalized
11 prior to the hearing. Prior to the dismissal of the petition,
12 the court shall first assess whether the person meets the
13 criteria for assisted community treatment under section 334-121
14 and may order the person to obtain assisted community treatment,
15 which may include medication; provided that a mental health
16 facility or program is designated to take responsibility for
17 coordination of the person's care and which has voluntarily
18 accepted the designation; provided further that the designation
19 includes a treating psychiatrist or an advanced practice
20 registered nurse who has prescriptive authority and holds an
21 accredited national certification in an advanced practice



1 registered nurse psychiatric specialization, who shall be
2 responsible for the management and supervision of the treatment
3 and who has voluntarily accepted the designation. Within ten
4 days after the issuance of the order for assisted community
5 treatment, the designated mental health facility or program
6 shall submit to the court a treatment plan, which may include
7 medication; provided that the plan describes the type or class
8 of medication to be authorized and the physical, mental,
9 beneficial, and detrimental effects of the medication. The
10 treatment plan shall be attached to the order."

11 SECTION 4. Section 334-123, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§334-123 Initiation of proceeding for assisted community**
14 **treatment.** (a) Any interested party may file a petition with
15 the family court alleging that another person meets the criteria
16 for assisted community treatment. The petition shall state:

- 17 (1) Each of the criteria under section 334-121 for
18 assisted community treatment;
- 19 (2) Petitioner's good faith belief that the subject of the
20 petition meets each of the criteria under section
21 334-121;



1 (3) Facts that support the petitioner's good faith belief
2 that the subject of the petition meets each of the
3 criteria under section 334-121; and

4 (4) That the subject of the petition is present within the
5 county where the petition is filed.

6 The hearing on the petition need not be limited to the
7 facts stated in the petition. The petition shall be executed
8 subject to the penalties of perjury but need not be sworn to
9 before a notary public.

10 (b) The department of the attorney general shall assist
11 with the preparation and filing of any petition brought pursuant
12 to this section and any related court proceedings; provided that
13 if the petitioner is a private provider or other private
14 individual, the petitioner may decline the assistance.

15 [~~(b)~~] (c) The petition may be accompanied by a certificate
16 of a licensed psychiatrist or advanced practice registered nurse
17 with prescriptive authority and who holds an accredited national
18 certification in an advanced practice registered nurse
19 psychiatric specialization who has examined the subject of the
20 petition within twenty calendar days prior to the filing of the
21 petition. For purposes of the petition, an examination shall be



1 considered valid so long as the licensed psychiatrist or
2 advanced practice registered nurse with prescriptive authority
3 and who holds an accredited national certification in an
4 advanced practice registered nurse psychiatric specialization
5 has obtained enough information from the subject of the petition
6 to reach a diagnosis of the subject of the petition, and to
7 express a professional opinion concerning the same, even if the
8 subject of the petition is not fully cooperative. If the
9 petitioner believes that further evaluation is necessary before
10 treatment, the petitioner may request further evaluation.

11 [~~e~~] (d) The petition shall include the name, address,
12 and telephone number of at least one of the following persons in
13 the following order of priority: the subject of the petition's
14 spouse or reciprocal beneficiary, legal parents, adult children,
15 and legal guardian, if one has been appointed. If the subject
16 of the petition has no living spouse or reciprocal beneficiary,
17 legal parent, adult children, or legal guardian, or if none can
18 be found, the petition shall include the name, address, and
19 telephone number of at least one of the subject's closest adult
20 relatives, if any can be found."



1 SECTION 5. Act 221, Session Laws of Hawaii 2013, as
2 amended by Act 114, Session Laws of Hawaii 2016, is amended by
3 amending section 24 to read as follows:

4 "SECTION 24. This Act shall take effect on January 1,
5 2014; provided that:

- 6 (1) Petitions filed pursuant to section 334-123, Hawaii
7 Revised Statutes, for assisted community treatment
8 involving a designated mental health program that is a
9 state-operated provider shall not be filed until after
10 July 1, 2015;
- 11 (2) Any private provider wishing to file a petition
12 pursuant to section 334-123, Hawaii Revised Statutes,
13 for assisted community treatment may do so after
14 January 1, 2014, [~~using its own resources,~~] if the
15 petitioner is to be the designated mental health
16 program; [~~and~~]
- 17 (3) Any interested party wishing to file a petition
18 pursuant to section 334-123, Hawaii Revised Statutes,
19 for assisted community treatment may do so after
20 January 1, 2014, [~~using the party's own resources,~~] if



1 the designated mental health program is a private
2 provider[-]; and

3 (4) The department of the attorney general shall assist
4 with the preparation and filing of any petition
5 brought pursuant to section 334-123, Hawaii Revised
6 Statutes, and the related court proceedings; provided
7 that if the petitioner is a private provider or any
8 other private individual, the interested party may
9 decline the assistance."

10 SECTION 6. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$100,000 or so much
12 thereof as may be necessary for fiscal year 2023-2024 for the
13 department of health to procure software and prepare the
14 department's website for data collection and publication of data
15 regarding reports of and responses to mental health crises.

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

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



H.B. NO. 1503

1 SECTION 8. This Act shall take effect on July 1, 2023.

2

INTRODUCED BY: *RCM. M*

JAN 25 2023



H.B. NO. 1503

Report Title:

Mental Health; DOH; Judiciary; Attorney General; Assisted Community Treatment; Reports; Appropriation

Description:

Requires the Department of Health to respond to reports about persons having severe mental illness and in need of assistance and to assess whether those persons may fulfill the criteria for assisted community treatment. Requires the Department of Health to track and publicly report certain data relating to crisis reports, emergency mental health transports, and court-ordered treatments. Appropriates moneys to the Department of Health for software and data collection and publication. Requires courts, when dismissing an involuntary hospitalization petition for a person, to assess whether the person meets the criteria for assisted community treatment. Requires the Department of the Attorney General to assist in the preparation and filing of certain assisted community treatment petitions and related court proceedings.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

