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

10           Accordingly, the purpose of this Act is to:

11           (1) Require the department of health to track and publicly  
12 report data relating to crisis reports, emergency  
13 mental health transports, and court-ordered  
14 treatments;

15           (2) Require the department of health, or a contracted  
16 service provider, to review reports about a person  
17 having severe mental illness who needs assistance;



1 assess whether the person fulfills the criteria for  
2 assisted community treatment; and, if the person meets  
3 the criteria, coordinate the process for an assisted  
4 community treatment order;

5 (3) Establish that a court's denial of a petition for  
6 involuntary commitment shall serve as notification to  
7 the department of health that the person should be  
8 evaluated for assisted community treatment; and

9 (4) Appropriate funds to the department of health.

10 SECTION 2. Chapter 334, Hawaii Revised Statutes, is  
11 amended as follows:

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

14 "§334-A Data concerning persons experiencing a mental  
15 health crisis; reports. (a) The department shall track data on  
16 reports of persons experiencing a mental health crisis and the  
17 response to these persons by the department, service providers  
18 contracted by the department pursuant to section 334-B(d), or  
19 another department or private provider coordinating with the  
20 department pursuant to section 334-B(a).



1        (b) The department shall publish a report on the  
2 department's website on the data collected pursuant to  
3 subsection (a). The reports shall be updated at least monthly  
4 and shall include the number of:

5        (1) Crisis reports, disaggregated by county, made to a  
6 department hotline, crisis line, or other means for  
7 the public to contact the department, including  
8 through department-contracted service providers, and  
9 the disposition of the reports;

10       (2) Persons transported for emergency examination pursuant  
11 to section 334-59, disaggregated by type of transport,  
12 length of time in the emergency room, disposition of  
13 the matter, and the county in which the facility where  
14 the person was transported is located;

15       (3) Assisted community treatment examinations performed  
16 prior to discharge pursuant to section 334-121.5, and  
17 the disposition of the evaluations;

18       (4) Assisted community treatment petitions filed pursuant  
19 to section 334-123, category of the petitioner,  
20 whether the attorney general assisted with the  
21 petition, disposition of the petition, length of time



1 to disposition, and number of persons currently under  
2 an assisted community treatment order;

3 (5) Court orders for treatment over the patient's  
4 objection sought pursuant to section 334-161,  
5 disposition of the orders sought, and number of  
6 patients currently under a court order for treatment;

7 (6) Administrative authorization for treatment over the  
8 patient's objection sought pursuant to section  
9 334-162, disposition of the authorization sought, and  
10 number of patients currently under an administrative  
11 authorization for treatment; and

12 (7) Involuntary hospitalization petitions filed pursuant  
13 to section 334-60.3, disposition of the petitions,  
14 length of time to disposition, and number of patients  
15 currently under an involuntary hospitalization  
16 petition.

17 (c) Every licensed physician, psychiatrist, psychologist,  
18 advanced practice registered nurse with prescriptive authority  
19 who holds an accredited national certification in an advanced  
20 practice registered nurse psychiatric specialization, hospital,  
21 psychiatric facility, or petitioner, for an order for



1 involuntary hospitalization, authorization for treatment over  
2 the patient's objection, or assisted community treatment, shall  
3 provide the information tracked under this section to the  
4 department; provided that the persons or entities involved may  
5 coordinate among each other to provide a single report of the  
6 event to the department. The reports and information shall be  
7 submitted to the department in the manner, time, and form  
8 prescribed by the department."

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

11       "§334-B Department response to crisis reports. (a) When  
12 the department receives credible information that a person  
13 having a severe mental illness requires assistance, the  
14 department shall dispatch staff to assist the person. The  
15 department may coordinate the response with other departments or  
16 private providers as necessary. This requirement shall apply to  
17 communications received by any means by which the public may  
18 contact the department, including through a department hotline,  
19 crisis line, or other means, and shall apply to communications  
20 received through department-contracted service providers.



1        (b) While assisting a person pursuant to subsection (a),  
2 the department staff or responder from another department or  
3 private provider coordinating with the department shall assess  
4 whether the person meets the criteria for assisted community  
5 treatment pursuant to section 334-121. If, upon assessment, the  
6 department reasonably believes that the person meets the  
7 criteria for assisted community treatment, the department shall  
8 coordinate:

9        (1) Completion of an examination pursuant to section  
10        334-121.5;

11        (2) Preparation of a certificate specified by section  
12        334-123; and

13        (3) Filing, with assistance from the department of the  
14        attorney general, a petition for an assisted community  
15        treatment order pursuant to section 334-123;

16 provided that the certificate and petition shall not be required  
17 if an assisted community treatment order is not indicated by the  
18 examination; provided further that the examination, certificate  
19 preparation, and filing of the petition may be completed by the  
20 department or by another department or private provider  
21 coordinating with the department pursuant to subsection (a), in



1 which case the department shall not be required to be the  
2 petitioner.

3 (c) Notwithstanding subsection (b), if the department is  
4 unable to coordinate the process for an assisted community  
5 treatment order, the department may notify another mental health  
6 program for the coordination of care in the community for the  
7 person.

8 (d) The department may contract with a service provider to  
9 fulfill the requirements of this section."

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

12 "(i) If after hearing all relevant evidence, including the  
13 result of any diagnostic examination ordered by the court, the  
14 court finds that an individual is not a person requiring  
15 medical, psychiatric, psychological, or other rehabilitative  
16 treatment or supervision, the court shall order that the  
17 individual be discharged if the individual has been hospitalized  
18 prior to the hearing. Within twenty-four hours of the denial of  
19 a petition for involuntary commitment, the court shall provide  
20 notice to the department of the petition's denial, which shall  
21 serve as notification to the department that the individual



1 should be assessed for assisted community treatment. If, upon  
 2 assessment, the department reasonably believes the individual  
 3 meets the criteria for assisted community treatment, the  
 4 department shall coordinate the completion of an evaluation,  
 5 preparation of a certificate, and filing of a petition pursuant  
 6 to section 334-B(b)."

7 SECTION 4. Act 111, Session Laws of Hawaii 2017, is  
 8 amended by amending section 8 to read as follows:

9 "SECTION 8. This Act shall take effect on July 1, 2017[~~7~~  
 10 ~~and~~]; provided that sections 3, 4, and 5 of this Act shall be  
 11 repealed on June 30, 2024; provided further that subsection (a)  
 12 of section 334E-2, Hawaii Revised Statutes, as amended by  
 13 section 3 of this Act, shall be reenacted in the form in which  
 14 it read on June 30, 2017."

15 SECTION 5. In accordance with section 9 of article VII of  
 16 the Hawaii State Constitution and sections 37-91 and 37-93,  
 17 Hawaii Revised Statutes, the legislature has determined that the  
 18 appropriations contained in H.B. No. 300, H.D. 1, S.D. 1,  
 19 C.D. 1, and this Act will cause the state general fund  
 20 expenditure ceiling for fiscal year 2023-2024 to be exceeded by  
 21 \$ or per cent. This current declaration takes



1 into account general fund appropriations authorized for fiscal  
2 year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1, and this  
3 Act only. The reasons for exceeding the general fund  
4 expenditure ceiling are that:

- 5 (1) The appropriation made in this Act is necessary to  
6 serve the public interest; and
- 7 (2) The appropriation made in this Act meets the needs  
8 addressed by this Act.

9 SECTION 6. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$2,250,000 or so much  
11 thereof as may be necessary for fiscal year 2024-2025 for:

- 12 (1) Procurement of software;
- 13 (2) Preparation of the department of health's website for  
14 data collection and publication of data reports  
15 regarding responses to mental health crisis;
- 16 (3) Establishment of one full-time equivalent (1.0 FTE)  
17 coordinator position;
- 18 (4) Establishment of one full-time equivalent (1.0 FTE)  
19 data position; and
- 20 (5) Establishment of one full-time equivalent (1.0 FTE)  
21 epidemiologist position.



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

3           SECTION 7. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$                    or so  
5 much thereof as may be necessary for fiscal year 2024-2025 for  
6 the development and implementation of statewide media,  
7 education, and training activities for policies related to  
8 emergency examination and hospitalization and assisted community  
9 treatment for individuals in need of mental health intervention.

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

12          SECTION 8. In codifying the new sections added by section  
13 2 of this Act, the revisor of statutes shall substitute  
14 appropriate section numbers for the letters used in designating  
15 the new sections in this Act.

16          SECTION 9. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18          SECTION 10. This Act shall take effect on December 31,  
19 2050.



**Report Title:**

DOH; Mental Health; Assisted Community Treatment; Emergency Examination and Hospitalization; Training and Education; Report; Expenditure Ceiling; Appropriations

**Description:**

Requires the Department of Health to track and publicly report certain data relating to crisis reports, emergency mental health transports, and court-ordered treatments. Requires DOH to respond to reports about persons having severe mental illness who are in need of assistance, assess whether those persons fulfill criteria for assisted community treatment, and coordinate the process for an assisted community treatment order if indicated. Establishes that a court's denial of a petition for involuntary commitment shall serve as notification to DOH that the person should be evaluated for assisted community treatment. Makes permanent sections 334-161 and 334-162, HRS. Declares that the general fund expenditure ceiling is exceeded. Makes appropriations. Takes effect 12/31/2050. (SD1)

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

