
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. These include court-ordered
4 plans of treatment, known in Hawaii as "assisted community
5 treatment" orders; involuntary commitments to the state hospital
6 or a similar facility; court-ordered medication; and department
7 of health crises programs, among others. The legislature
8 further finds that there are areas for improvement in these
9 programs, especially as available resources and needs change
10 over time.

11 Accordingly, the purposes of this Act are to:

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

16 (2) Require the department of health, or a contracted
17 service provider, to review reports about persons



1 having severe mental illnesses who need assistance;
2 assess whether the person may fulfill the criteria for
3 assisted community treatment; and, if the person meets
4 the criteria, coordinate the process for an assisted
5 community treatment order;

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

10 (4) Appropriate funds to the department of health for the
11 purposes of this Act.

12 SECTION 2. Chapter 334, Hawaii Revised Statutes, is
13 amended as follows:

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

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



1 another department or private provider coordinating with the
2 department pursuant to section 334-B(a).

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

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

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

17 (3) Assisted community treatment evaluations performed
18 prior to discharge pursuant to section 334-121.5 and
19 the disposition of the evaluations;

20 (4) Assisted community treatment petitions filed pursuant
21 to section 334-123, category of the petitioner,



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

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

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

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

19 (c) Every licensed physician; psychiatrist; psychologist;
20 advanced practice registered nurse with prescriptive authority
21 who holds an accredited national certification in an advanced



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

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

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



1 crisis line, or other means, and shall apply to communications
2 received through department-contracted service providers.

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

11 (1) Completion of an examination pursuant to section 334-
12 121.5;

13 (2) Preparation of a certificate specified by section 334-
14 123; and

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

18 provided that the certificate and petition shall not be required
19 if an assisted community treatment order is not indicated by the
20 examination; provided further that the examination, certificate
21 preparation, and filing of the petition may be completed by the



1 department, another department, or private provider coordinating
2 with the department pursuant to subsection (a), in which case
3 the department shall not be required to be the petitioner.

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

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

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

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



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

8 SECTION 4. In accordance with section 9 of article VII of
 9 the Hawaii State Constitution and sections 37-91 and 37-93,
 10 Hawaii Revised Statutes, the legislature has determined that the
 11 appropriations contained in Act 164, Regular Session of 2023,
 12 and this Act will cause the state general fund expenditure
 13 ceiling for fiscal year 2024-2025 to be exceeded by \$
 14 or per cent. This current declaration takes into account
 15 general fund appropriations authorized for fiscal year 2024-2025
 16 in Act 164, Regular Session of 2023, and this Act only. The
 17 reasons for exceeding the general fund expenditure ceiling are
 18 that:

- 19 (1) The appropriation made in this Act is necessary to
- 20 serve the public interest; and



1 (2) The appropriation made in this Act meets the needs
2 addressed by this Act.

3 SECTION 5. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$2,250,000 or so much
5 thereof as may be necessary for fiscal year 2024-2025 for:

- 6 (1) Procurement of software;
- 7 (2) Preparation of the department of health's website for
8 data collection and publication of data reports
9 regarding responses to mental health crises;
- 10 (3) The establishment of one full-time equivalent (1.0
11 FTE) coordinator position;
- 12 (4) The establishment of one full-time equivalent (1.0
13 FTE) data position; and
- 14 (5) The establishment of one full-time equivalent (1.0
15 FTE) epidemiologist position.

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

18 SECTION 6. 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 2024-2025 for
21 the development and implementation of statewide media,



1 education, and training activities for policies related to
2 emergency examination and hospitalization and assisted community
3 treatment for those in need of mental health intervention.

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

6 SECTION 7. In codifying the new sections added by section
7 2 of this Act, the revisor of statutes shall substitute
8 appropriate section numbers for the letters used in designating
9 the new sections in this Act.

10 SECTION 8. New statutory material is underscored.

11 SECTION 9. This Act shall take effect on December 31,
12 2050.



Report Title:

DOH; AG; Mental Health; Judiciary; Assisted Community Treatment; Reports; Expenditure Ceiling; Appropriation

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 the Department of Health to respond to reports about persons having severe mental illness who are in need of assistance, assess whether those persons may fulfill the 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 the Department of Health that the person should be evaluated for assisted community treatment. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation to the Department of Health for software and data collection and publication. Makes an appropriation to the Department of Health for statewide education and training on policies related to emergency examination and hospitalization and assisted community treatment. Takes effect 12/31/2050.
(SD1)

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