
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 purpose of this Act is 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;

10 (4) Require department of the attorney general to assist
11 with the preparation and filing of assisted community
12 treatment petitions and related court proceedings for
13 private petitioners, unless the petitioner declines
14 the assistance; and

15 (5) Appropriate funds to the department of health to
16 develop and implement statewide media, education, and
17 training activities for policies related to emergency
18 examination and hospitalization and assisted community
19 treatment for those in need of mental health
20 intervention.



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

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

5 "§334-A Data concerning persons experiencing a mental
6 health crisis; reports. (a) The department shall track data on
7 reports of persons experiencing a mental health crisis and the
8 response to these persons by the department, service providers
9 contracted by the department pursuant to section 334-B(d), or
10 another department or private provider coordinating with the
11 department pursuant to section 334-B(a).

12 (b) The department shall publish a report on the
13 department's website on the data collected pursuant to
14 subsection (a). The reports shall be updated at least monthly
15 and shall include the number of:

16 (1) Crisis reports, disaggregated by county, made to a
17 department hotline, crisis line, or other means for
18 the public to contact the department, including
19 through department-contracted service providers, and
20 the disposition of the reports;



- 1 (2) Persons transported for emergency examination pursuant
2 to section 334-59, disaggregated by type of transport,
3 length of time in the emergency room, disposition of
4 the matter, and the county in which the facility where
5 the person was transported is located;
- 6 (3) Assisted community treatment evaluations performed
7 prior to discharge pursuant to section 334-121.5 and
8 the disposition of the evaluations;
- 9 (4) Assisted community treatment petitions filed pursuant
10 to section 334-123, category of the petitioner,
11 whether the attorney general assisted with the
12 petition, disposition of the petition, length of time
13 to disposition, and number of persons currently under
14 an assisted community treatment order;
- 15 (5) Court orders for treatment over the patient's
16 objection sought pursuant to section 334-161,
17 disposition of the orders sought, and number of
18 patients currently under a court order for treatment;
- 19 (6) Administrative orders for treatment over the patient's
20 objection sought pursuant to section 334-162,
21 disposition of the orders sought, and number of



1 patients currently under an administrative order for
2 treatment; and

3 (7) Involuntary hospitalization petitions filed pursuant
4 to section 334-60.3, disposition of the petitions,
5 length of time to disposition, and number of patients
6 currently under an involuntary hospitalization
7 petition.

8 (c) Every licensed physician; psychiatrist; psychologist;
9 advanced practice registered nurse with prescriptive authority
10 who holds an accredited national certification in an advanced
11 practice registered nurse psychiatric specialization; hospital;
12 psychiatric facility; or petitioner for an order for involuntary
13 hospitalization, order for treatment over the patient's
14 objection, or order for assisted community treatment shall
15 provide the information tracked under this section to the
16 department; provided that the individuals or entities involved
17 may coordinate among each other to provide a single report of
18 the event to the department. The reports and information shall
19 be submitted to the department in the manner, time, and form
20 prescribed by the department."



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

3 "§334-B Department response to crisis reports. (a) When
4 the department receives credible information that a person
5 having a severe mental illness requires assistance, the
6 department shall dispatch staff to assist the person. The
7 department may coordinate the response with other departments or
8 private providers as necessary. This requirement shall apply to
9 communications received by any means by which the public may
10 contact the department, including through a department hotline,
11 crisis line, or other means, and shall apply to communications
12 received through department-contracted service providers.

13 (b) While assisting a person pursuant to subsection (a),
14 the department staff or responder from another department or
15 private provider coordinating with the department shall assess
16 whether the person meets the criteria for assisted community
17 treatment pursuant to section 334-121. If, upon assessment, the
18 department reasonably believes that the person meets the
19 criteria for assisted community treatment, the department shall
20 coordinate:



- 1 (1) Completion of an examination pursuant to section 334-
2 121.5;
- 3 (2) Preparation of a certificate specified by section 334-
4 123; and
- 5 (3) Filing, with assistance from the department of the
6 attorney general, a petition for an assisted community
7 treatment order pursuant to section 334-123;
8 provided that the certificate and petition shall not be required
9 if an assisted community treatment order is not indicated by the
10 examination; provided further that the examination, certificate
11 preparation, and filing of the petition may be completed by the
12 department or by another department or private provider
13 coordinating with the department pursuant to subsection (a), in
14 which case the department shall not be required to be the
15 petitioner.
- 16 (c) Notwithstanding subsection (b), if the department is
17 unable to coordinate the process for an assisted community
18 treatment order, the department may notify another mental health
19 program for the coordination of care in the community for the
20 person.



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

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 the
6 result of any diagnostic examination ordered by the court, the
7 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. Within twenty-four hours of the denial of
12 a petition for involuntary commitment, the court shall provide
13 notice to the department of the petition's denial, which shall
14 serve as notification to the department that the individual
15 should be assessed for assisted community treatment. If, upon
16 assessment, the department reasonably believes the individual
17 meets the criteria for assisted community treatment, the
18 department shall coordinate the completion of an evaluation,
19 preparation of a certificate, and filing of a petition pursuant
20 to section 334-B(b)."



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

3 **"§334-123 Initiation of proceeding for assisted community**
4 **treatment.** (a) Any interested party may file a petition with
5 the family court alleging that another person meets the criteria
6 for assisted community treatment. The petition shall state:

- 7 (1) Each of the criteria under section 334-121 for
8 assisted community treatment;
- 9 (2) Petitioner's good faith belief that the subject of the
10 petition meets each of the criteria under
11 section 334-121;
- 12 (3) Facts that support the petitioner's good faith belief
13 that the subject of the petition meets each of the
14 criteria under section 334-121; and
- 15 (4) That the subject of the petition is present within the
16 county where the petition is filed.

17 The hearing on the petition need not be limited to the
18 facts stated in the petition. The petition shall be executed
19 subject to the penalties of perjury but need not be sworn to
20 before a notary public.



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

6 [~~(b)~~] (c) The petition may be accompanied by a certificate
7 of a licensed psychiatrist or advanced practice registered nurse
8 with prescriptive authority and who holds an accredited national
9 certification in an advanced practice registered nurse
10 psychiatric specialization who has examined the subject of the
11 petition within twenty calendar days prior to the filing of the
12 petition. For purposes of the petition, an examination shall be
13 considered valid so long as the licensed psychiatrist or
14 advanced practice registered nurse with prescriptive authority
15 and who holds an accredited national certification in an
16 advanced practice registered nurse psychiatric specialization
17 has obtained enough information from the subject of the petition
18 to reach a diagnosis of the subject of the petition, and to
19 express a professional opinion concerning the same, even if the
20 subject of the petition is not fully cooperative. If the



1 petitioner believes that further evaluation is necessary before
2 treatment, the petitioner may request further evaluation.

3 [~~e~~] (d) The petition shall include the name, address,
4 and telephone number of at least one of the following persons in
5 the following order of priority: the subject of the petition's
6 spouse or reciprocal beneficiary, legal parents, adult children,
7 and legal guardian, if one has been appointed. If the subject
8 of the petition has no living spouse or reciprocal beneficiary,
9 legal parent, adult children, or legal guardian, or if none can
10 be found, the petition shall include the name, address, and
11 telephone number of at least one of the subject's closest adult
12 relatives, if any can be found."

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

16 "SECTION 24. This Act shall take effect on January 1,
17 2014; provided that:

18 (1) Petitions filed pursuant to section 334-123, Hawaii
19 Revised Statutes, for assisted community treatment
20 involving a designated mental health program that is a



1 state-operated provider shall not be filed until after
2 July 1, 2015;

3 (2) Any private provider wishing to file a petition
4 pursuant to section 334-123, Hawaii Revised Statutes,
5 for assisted community treatment may do so after
6 January 1, 2014, [~~using its own resources,~~] if the
7 petitioner is to be the designated mental health
8 program; [and]

9 (3) Any interested party wishing to file a petition
10 pursuant to section 334-123, Hawaii Revised Statutes,
11 for assisted community treatment may do so after
12 January 1, 2014, [~~using the party's own resources,~~] if
13 the designated mental health program is a private
14 provider[-]; and

15 (4) After July 1, 2023, the department of the attorney
16 general shall assist with the preparation and filing
17 of any petition brought pursuant to section 334-123,
18 Hawaii Revised Statutes, and any related court
19 proceedings; provided further that if the petitioner
20 is a private provider or other private individual, the
21 petitioner may decline the assistance."



1 SECTION 6. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2023-2024 and
4 the same sum or so much thereof as may be necessary for fiscal
5 year 2024-2025 for:

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

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

17 SECTION 7. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$ or so
19 much thereof as may be necessary for fiscal year 2023-2024 and
20 the same sum or so much thereof as may be necessary for fiscal
21 year 2024-2025 for the development and implementation of



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

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

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

11 SECTION 9. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 10. This Act shall take effect on June 30, 3000.



Report Title:

DOH; AG; Mental Health; Judiciary; Assisted Community Treatment; Reports; 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. Requires the department of the attorney general to assist with the preparation and filing of petitions for assisted community treatment, unless declined by the petitioner. Appropriates funds to the department of health for software and data collection and publication. Appropriates funds for statewide education and training on policies related to emergency examination and hospitalization and assisted community treatment. Effective 6/30/3000. (HD1)

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