
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 tools and programs to assist individuals who have
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 and
14 administratively authorized treatments;

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



1 whether the person fulfills the criteria for assisted
2 community treatment; and, if the person meets the
3 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 who was the
8 subject of the petition should be evaluated for
9 assisted community treatment; and

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

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

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

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



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

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

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

20 (b) While assisting a person pursuant to subsection (a),
21 the department staff or responder from another department or



1 private service provider coordinating with the department shall
2 assess whether the person meets the criteria for assisted
3 community treatment pursuant to section 334-121. If, upon
4 assessment, the department reasonably believes that the person
5 meets the criteria for assisted community treatment, the
6 department shall coordinate:

7 (1) Completion of an examination pursuant to section
8 334-121.5;

9 (2) Preparation of a certificate as specified by
10 subsection 334-123(c); and

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

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



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

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

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

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



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

5 SECTION 4. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2025-2026 and
8 the same sum or so much thereof as may be necessary for fiscal
9 year 2026-2027 for:

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

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



1 SECTION 5. 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 2025-2026 and
4 the same sum or so much thereof as may be necessary for fiscal
5 year 2026-2027 for the development and implementation of
6 statewide media, education, and training activities for policies
7 related to emergency examination and hospitalization and
8 assisted community treatment for individuals in need of mental
9 health intervention.

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

12 SECTION 6. In codifying the new sections added by
13 section 2 and referenced in section 3 of this Act, the revisor
14 of statutes shall substitute appropriate section numbers for the
15 letters used in designating the new sections in this Act.

16 SECTION 7. New statutory material is underscored.

17 SECTION 8. This Act shall take effect on December 31,
18 2050.



Report Title:

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

Description:

Requires the Department of Health (DOH) to track and publicly report certain data relating to crisis reports, emergency mental health transports, and court-ordered treatments. Requires the 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 the DOH that the subject of the petition should be evaluated for assisted community treatment. Appropriates funds. Effective 12/31/2050. (SD1)

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