

JAN 17 2025

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# A BILL FOR AN ACT

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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



whether the person fulfills the criteria for assisted community treatment; and, if the person meets the criteria, coordinate the process for an assisted community treatment order;

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

(4) Appropriate funds to the department of health.

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

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

**"§334-A Data concerning persons experiencing a mental health crisis; reports.** (a) The department shall track data on reports of persons experiencing a mental health crisis and the response to these persons by the department, service providers contracted by the department pursuant to section 334-B(d), or another department or private provider coordinating with the 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  
12 having a severe mental illness requires assistance, the  
13 department shall dispatch staff to assist the person. The  
14 department may coordinate the response with other departments or  
15 private service providers as necessary. This requirement shall  
16 apply to communications received by any means by which the  
17 public may contact the department, including through a  
18 department hotline, crisis line, or other means, and shall apply  
19 to communications received through department-contracted service  
20 providers.



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



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

7 SECTION 4. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$2,250,000 or so much  
9 thereof as may be necessary for fiscal year 2025-2026 and the  
10 same sum or so much thereof as may be necessary for fiscal year  
11 2026-2027 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 sums appropriated shall be expended by the department  
2 of health for the purposes of this Act.

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

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

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

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



# S.B. NO. 709

1 SECTION 8. This Act shall take effect on July 1, 2025.

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INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be the name of the person who introduced the bill.

# S.B. NO. 709

**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 subject of the petition should be evaluated for assisted community treatment. Appropriates moneys.

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

