
A BILL FOR AN ACT

RELATING TO COMMUNITY BEHAVIORAL HEALTH CLINICS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to title 19 to be appropriately designated
3 and to read as follows:

4 **"CHAPTER**

5 **CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS**

6 § -1 **Purpose.** The purpose of this chapter is to
7 establish a community behavioral health clinic certifying office
8 to certify community behavioral health clinics and provide
9 technical assistance for clinics seeking certification under
10 federal guidelines to promote consistency and accessibility for
11 all people of the State to mental health and substance use
12 services.

13 § -2 **Definitions.** As used in this chapter, unless the
14 context otherwise requires:

15 "Board" means the certified community behavioral health
16 clinics oversight board.



1 "Certified community behavioral health clinic" means a
2 behavioral health clinic that has been certified by the
3 community behavioral health clinic certifying office.

4 "Office" means the community behavioral health clinic
5 certifying office.

6 "Person" means one or more individuals, a company,
7 corporation, partnership, association, or any other type of
8 legal entity.

9 "Prospective payment system" means a payment methodology
10 that establishes a fixed rate for services provided by a
11 certified community behavioral health clinic.

12 **§ -3 Establishment of the community behavioral health**
13 **clinics certifying office; staff; duties.** (a) There is
14 established a community behavioral health certifying office
15 within the department of health for administrative purposes
16 only. The office shall be headed by an executive director, who
17 shall be appointed by the board and shall be exempt from chapter
18 76. The executive director shall have experience in health care
19 administration and behavioral health.

20 (b) At a minimum, the staff of the office shall consist
21 of:



(1) One full-time quality manager;
(2) One full-time financial analyst;
(3) One full-time administrative assistant to the
executive director;
(4) One full-time evaluator; and
(5) One full-time data engineer;
provided that the staff listed in this subsection shall be
exempt from chapter 76 and shall serve at the pleasure of the
executive director of the office.

(c) The office shall have the following powers and duties:

(1) Administer a certified community behavioral health
clinic program, which shall include but not be limited
to:

(A) Creating and maintaining a prospective payment
system, including analysis of cost reports for
rebasing;

(B) Creating and maintaining certification criteria
for community behavioral health clinics;

(C) Certifying community behavioral health clinics
and monitoring and, when necessary, providing



1 corrective action to certified community

2 behavioral health clinics;

3 (D) Providing technical assistance to certified

4 community behavioral health clinics and to

5 clinics seeking certification on certification

6 requirements and the prospective payment system;

7 and

8 (E) Coordinating and collaborating with government

9 and private entities to ensure federal

10 compliance, including submission of required data

11 and reports;

12 (2) Participate and engage with individuals and public and

13 private entities to ensure successful delivery of

14 mental health and substance use services to all people

15 of the State through certified community behavioral

16 health clinics;

17 (3) Establish reasonable fees for certification

18 application; and

19 (4) Adopt rules pursuant to chapter 91 for the purposes of

20 implementing this chapter.



1 § -4 Certified community behavioral health clinics

2 **oversight board; established.** (a) There is established a
3 certified community behavioral health clinics oversight board
4 within the department of health for administrative purposes
5 only. The board shall be composed of eleven members to be
6 appointed by the governor pursuant to section 26-34 for
7 staggered terms; provided that at least fifty per cent of the
8 board shall be residents of a county with a population less than
9 500,000. The members of the board shall include:

10 (1) Per populated island, one resident with lived
11 experience in mental health or substance use
12 conditions, or both;

13 (2) One representative from a federally qualified health
14 center;

15 (3) One representative from a substance use treatment
16 provider;

17 (4) One representative from an adult mental health
18 treatment provider;

19 (5) One representative from an inpatient psychiatric
20 facility, inpatient acute care hospital, or hospital
21 outpatient clinic; and



(6) One board certified physician in the field of
pediatrics or child psychiatry.

(b) The following shall serve as ex officio, nonvoting
members of the board:

(1) The governor, or the governor's designee;

(2) The director of health, or the director's designee;

(3) The superintendent of education, or the
superintendent's designee; and

(4) The administrator of the med-QUEST division of the
department of human services, or the administrator's
designee.

(c) The board shall perform the following duties and
functions:

(1) Review and comment upon:

(A) Clinic certification applications; and

(B) Any changes or modifications to certification
criteria;

(2) Decertify a certified community behavioral health
clinic as appropriate if the certified community
behavioral health clinic has not made required
corrective action;



(3) Encourage efficient and coordinated use of federal, state, and private resources in the provision of services;

(4) Identify gaps in services and coordinate responsibilities of various public or private agencies for such missing services;

(5) Advocate for the needs of individuals with mental health or substance use conditions or both before the legislature and the public and to the governor; and

(6) Support and conduct outreach activities to identify individuals with mental health or substance use conditions, or both, and their families to obtain services, including access to crisis services or other specialized services.

(d) Members of the board shall serve without compensation, but shall be paid their necessary expenses in attending meetings of the board.

§ -5 Certified community behavioral health clinics; certification; operations. (a) No person, public or private, shall operate a certified community behavioral health clinic with the expectation of payment for services under a prospective



1 payment system unless the community behavioral health clinic has
2 been certified by the office pursuant to this chapter.

3 (b) Notwithstanding any other law to the contrary, a
4 department of health community mental health center may provide
5 services necessary to meet certification criteria established by
6 the office.

7 § -6 Certified community behavioral health clinic
8 special fund; established; deposits; expenditures. (a) There is
9 established within the state treasury the certified community
10 behavioral health clinic special fund, to be administered by the
11 office, into which shall be deposited:

12 (1) All fees collected under this chapter; and

13 (2) Appropriations made by the legislature to the fund.

14 (b) Moneys in the special fund shall be expended by the
15 office to assist in offsetting program expenses of the office."

16 SECTION 2. Section 329-2, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§329-2 Hawaii advisory commission on drug abuse and
19 controlled substances; number; appointment. There shall be
20 established a state advisory commission on drug abuse and
21 controlled substances consisting of not more than fifteen nor



1 less than nine members appointed by the governor, as provided in
2 section 26-34. The members shall be selected on the basis of
3 their ability to contribute to the solution of problems arising
4 from the abuse of controlled substances, and to the extent
5 possible, shall represent the pharmacological, medical,
6 community and business affairs, youth action, educational, legal
7 defense, enforcement, and corrections segments of the community.
8 One of the appointed members shall be a member of the state
9 council on mental health established by section 334-10, and
10 shall be knowledgeable about the community and the relationships
11 between mental health, mental illness, and substance abuse. One
12 of the appointed members shall be a representative from the
13 certified community behavioral health clinic certifying office
14 established by section -3. The commission shall elect a
15 chairperson from among its members. The members shall serve
16 without compensation, but shall be paid their necessary expenses
17 in attending meetings of the commission. The commission shall
18 be a part of the department of health for administrative
19 purposes; provided that the department of health shall appoint
20 an ex-officio non-voting representative to the commission who
21 shall regularly attend meetings of both this commission and the



1 state council on mental health, and make regular reports to both
2 bodies."

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

5 "(a) There is established, within the department of health
6 for administrative purposes, a state council on mental health.
7 The council shall consist of [~~twenty-one~~] twenty-two members
8 appointed by the governor as provided in section 26-34. In
9 making appointments to the council, the governor shall ensure
10 that all service area boards of the State are represented, and
11 that a majority of the members are nonproviders of mental health
12 or other health services, and that a majority of the members are
13 not state employees. The number of parents of children with
14 serious emotional disturbances shall be sufficient to provide
15 adequate representation of such children in the deliberations of
16 the council. The council shall be composed of residents of the
17 State, including individuals representing:

18 (1) The principal state agencies with respect to mental
19 health, education, vocational rehabilitation, criminal
20 justice, housing, medicaid, and social services;



- 1 (2) Public and private entities concerned with the need,
2 planning, operation, funding, and use of mental health
3 services and related support services;
- 4 (3) Adults with serious mental illnesses who are
5 receiving, or have received, mental health services;
- 6 (4) The families of such adults or families of children
7 with serious emotional disturbances; ~~and~~
- 8 (5) The Hawaii advisory commission on drug abuse and
9 controlled substances who shall be a person
10 knowledgeable about the community and the
11 relationships between mental health, mental illness,
12 and substance abuse~~[-]~~; and
- 13 (6) The certified community behavioral health clinic
14 certifying office established pursuant to
15 section -3."

16 SECTION 4. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$800,000 or so much
18 thereof as may be necessary for fiscal year 2026-2027 to carry
19 out the purposes of this Act, including the hiring of necessary
20 staff for the community behavioral health clinic certifying
21 office established pursuant to this Act.



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

3 SECTION 5. If any provision of this Act, or the
4 application thereof to any person or circumstance, is held
5 invalid, the invalidity does not affect other provisions or
6 applications of the Act that can be given effect without the
7 invalid provision or application, and to this end the provisions
8 of this Act are severable.

9 SECTION 6. If any part of this Act is found to be in
10 conflict with federal requirements that are a prescribed
11 condition for the allocation of federal funds to the State, the
12 conflicting part of this Act is inoperative solely to the extent
13 of the conflict and with respect to the agencies directly
14 affected, and this finding does not affect the operation of the
15 remainder of this Act in its application to the agencies
16 concerned. The rules under this Act shall meet federal
17 requirements that are a necessary condition to the receipt of
18 federal funds by the State.

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

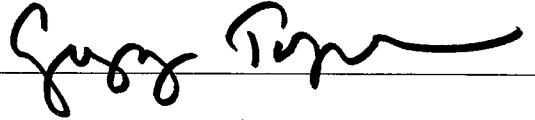
21 SECTION 8. This Act shall take effect on July 1, 2026.



H.B. NO. 1854

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INTRODUCED BY:



JAN 23 2026



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Report Title:

Department of Health; Community Behavioral Health Clinics
Certifying Office; Oversight Board; New Special Fund; Hawaii
Advisory Commission on Drug Abuse and Controlled Substances;
State Council on Mental Health; Appropriation

Description:

Establishes the Community Behavioral Health Clinic Certifying
Office to certify community behavioral health clinics and
provide technical assistance for clinics seeking certification.
Establishes the Certified Community Behavioral Health Clinics
Oversight Board. Establishes the Certified Community Behavioral
Health Clinic Special Fund. Amends the composition of the
Advisory Commission on Drug Abuse and Controlled Substances and
State Council on Mental Health to include a member from the
Community Behavioral Health Clinic Certifying Office.
Appropriates funds.

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not legislation or evidence of legislative intent.*

