
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 update and
11 clarify laws governing mental crisis intervention by:

12 (1) Requiring the director of law enforcement to adopt
13 rules establishing training and certification
14 standards and procedures for crisis intervention
15 officers and requiring the department of health to
16 approve the content of such training;



- 1 (2) Clarifying the scope of treatment allowable under
- 2 orders for assisted community treatment; and
- 3 (3) Requiring the department of the attorney general to
- 4 assist with the preparation, filing, and presentation
- 5 of any request for a court order authorizing treatment
- 6 over the objection of certain patients.

7 SECTION 2. Chapter 353C, Hawaii Revised Statutes, is
 8 amended by adding a new section to be appropriately designated
 9 and to read as follows:

10 "§353C- Crisis intervention officers; training and
 11 certification standards and procedures; approval. The director
 12 shall adopt rules pursuant to chapter 91 setting forth statewide
 13 training and certification standards and procedures for crisis
 14 intervention officers. The department of health shall approve
 15 the content of training for crisis intervention officers
 16 established pursuant to this section."

17 SECTION 3. Section 334-122, Hawaii Revised Statutes, is
 18 amended by amending the definition of "assisted community
 19 treatment" to read as follows:

20 "Assisted community treatment" [~~includes medication~~
 21 ~~specifically authorized by court order; individual~~] means the



1 categories of treatment and services ordered by the court in a
2 treatment plan pursuant to section 334-127(b). "Assisted
3 community treatment" includes a case management plan and case
4 management services to provide care coordination under the
5 supervision of an assisted community treatment provider. The
6 categories of treatment and services may include:

- 7 (1) Medication;
- 8 (2) Periodic blood tests or urinalysis to monitor
9 compliance with prescribed medication;
- 10 (3) Individual or group therapy; [~~day~~]
- 11 (4) Day or partial day programming activities; [~~services~~]
- 12 (5) Services and training, including educational and
13 vocational activities; [~~supervision~~]
- 14 (6) Supervision of living arrangements;
- 15 (7) Residential services;
- 16 (8) Alcohol and substance abuse treatment and counseling;
- 17 (9) Periodic blood tests or urinalysis for the presence of
18 alcohol or illegal drugs for individuals with a
19 history of alcohol or substance abuse; and [~~any~~]
- 20 (10) Any other services prescribed to either alleviate the
21 subject of the order's disorder or disability,



1 maintain or maximize semi-independent functioning, or
2 prevent further deterioration that may reasonably be
3 predicted to result in the need for hospitalization or
4 more intensive or restrictive levels of care in the
5 community or incarceration for criminal behavior."

6 SECTION 4. Section 334-161, Hawaii Revised Statutes, is
7 amended to read as follows:

8 **"§334-161 Criteria for issuance of court or administrative**
9 **order for treatment over the patient's objection. (a) A**

10 patient who has been committed to a psychiatric facility for
11 involuntary hospitalization or who is in the custody of the
12 director and residing in a psychiatric facility may be ordered
13 to receive treatment over the patient's objection, including the
14 taking or application of medication, if the court, or
15 administrative decision-maker through the administrative
16 authorization process established pursuant to section 334-162,
17 finds that:

- 18 (1) The patient suffers from a physical or mental disease,
19 disorder, or defect;
- 20 (2) The patient is imminently dangerous to self or others;
- 21 (3) The proposed treatment is medically appropriate; and



1 (4) After considering less intrusive alternatives,
2 treatment is necessary to forestall the danger posed
3 by the patient.

4 (b) The department of the attorney general shall assist
5 with the preparation and filing of any request for authorization
6 to provide treatment over a patient's objection and shall assist
7 with the presentation of the case at any related court
8 proceedings; provided that if the requestor is a private
9 provider or other private individual, the requestor may decline
10 the assistance.

11 [~~(b)~~] (c) For the purposes of this section, "imminently
12 dangerous to self or others" means that, without intervention,
13 the person will likely become dangerous to self or dangerous to
14 others within the next forty-five days."

15 SECTION 5. Section 353C-1, Hawaii Revised Statutes, is
16 amended by amending the definition of "crisis intervention
17 officer" to read as follows:

18 ""Crisis intervention officer" means a law enforcement
19 officer, as defined in section 139-1, who has been trained and
20 certified to recognize and communicate with an individual who is
21 in crisis or suffering from some form of impairment, whether



1 from dementia, Alzheimer's disease, or any physical,
2 developmental, cognitive, psychological, or substance use
3 disorder influencing their behavior. [~~Training and~~
4 ~~certification standards shall be determined with the department~~
5 ~~of health.] "~~

6 SECTION 6. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 7. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 8. This Act shall take effect on July 1, 3000.



Report Title:

DOH; DLE; AG; Mental Health; Crisis Intervention Officers;
Assisted Community Treatment; Administration of Treatment Over
the Patient's Objection

Description:

Requires the Director of Law Enforcement to adopt rules establishing training and certification standards and procedures for crisis intervention officers. Requires the Department of Health to approve the content of such training. Clarifies the scope of treatment permitted under assisted community treatment orders. Requires the Department of the Attorney General to assist with the preparation, filing, and presentation of requests for a court order to provide treatment over a patient's objection. Effective 7/1/3000. (HD2)

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

