

1 "Certified community behavioral health clinic" means a
2 behavioral health clinic that meets the criteria established by
3 the federal Substance Abuse and Mental Health Services
4 Administration and has been certified by the office.

5 "Office" means the community behavioral health clinics
6 certifying office.

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

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

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



1 (b) At a minimum, the staff of the office shall consist
2 of:

- 3 (1) One full-time quality manager;
- 4 (2) One full-time financial analyst;
- 5 (3) One full-time administrative assistant to the
6 executive director;
- 7 (4) One full-time evaluator; and
- 8 (5) One full-time data engineer;

9 provided that the staff listed in this subsection shall be
10 exempt from chapter 76 and shall serve at the pleasure of the
11 executive director of the office.

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

- 13 (1) Administer a certified community behavioral health
14 clinics program, which shall include but not be
15 limited to:
 - 16 (A) Creating and maintaining a prospective payment
17 system, including analysis of cost reports for
18 rebasing;
 - 19 (B) Creating and maintaining certification criteria
20 for community behavioral health clinics; provided
21 that the certification criteria shall be no less



- 1 stringent than that required by the federal
2 Substance Abuse and Mental Health Services
3 Administration;
- 4 (C) Certifying and decertifying community behavioral
5 health clinics;
- 6 (D) Monitoring compliance with certification
7 requirements and requiring corrective action,
8 including corrective action plans, and when
9 necessary, the imposition of conditions,
10 suspension, or decertification;
- 11 (E) Providing technical assistance to certified
12 community behavioral health clinics and to
13 clinics seeking certification regarding
14 certification requirements and the prospective
15 payment system; and
- 16 (F) Coordinating and collaborating with government
17 and private entities to ensure federal
18 compliance, including submission of required data
19 and reports;
- 20 (2) Participate and engage with individuals and public and
21 private entities to ensure successful delivery of



1 mental health and substance use services to all people
2 of the State through certified community behavioral
3 health clinics;

4 (3) Establish reasonable fees for certification
5 application; and

6 (4) Adopt rules pursuant to chapter 91 for the purposes of
7 implementing this chapter.

8 § -4 **Certified community behavioral health clinics**

9 **oversight board; established.** (a) There is established a
10 certified community behavioral health clinics oversight board
11 within the department of health for administrative purposes
12 only. The board shall be composed of nine members to be
13 appointed by the governor pursuant to section 26-34 for
14 staggered terms; provided that at least fifty per cent of the
15 board shall be residents of a county with a population less than
16 500,000. The members of the board shall include:

17 (1) One representative from each of the counties of
18 Hawaii, Maui, Kauai, and the city and county of
19 Honolulu, each of whom shall be a resident with lived
20 experience in mental health or substance use
21 conditions, or both;



- 1 (2) One representative from a federally qualified health
2 center;
- 3 (3) One representative from a substance use treatment
4 provider;
- 5 (4) One representative from an adult mental health
6 treatment provider;
- 7 (5) One representative from an inpatient psychiatric
8 facility, inpatient acute care hospital, or hospital
9 outpatient clinic; and
- 10 (6) One board certified physician in the field of
11 pediatrics or child psychiatry.
- 12 (b) The following shall serve as ex officio, nonvoting
13 members of the board:
- 14 (1) The governor, or the governor's designee;
- 15 (2) The director of health, or the director's designee;
- 16 (3) The superintendent of education, or the
17 superintendent's designee; and
- 18 (4) The administrator of the med-QUEST division of the
19 department of human services, or the administrator's
20 designee.



- 1 (c) The board shall perform the following duties and
2 functions:
- 3 (1) Review and comment upon:
- 4 (A) Clinic certification applications; and
5 (B) Any changes or modifications to certification
6 criteria;
- 7 (2) Encourage efficient and coordinated use of federal,
8 state, and private resources in the provision of
9 services;
- 10 (3) Identify gaps in services and coordinate
11 responsibilities of various public or private agencies
12 for the missing services;
- 13 (4) Advocate for the needs of individuals with mental
14 health or substance use conditions, or both, before
15 the legislature, the public, and the governor; and
- 16 (5) Support and conduct outreach activities to identify
17 individuals with mental health or substance use
18 conditions, or both, and their families to obtain
19 services, including access to crisis services or other
20 specialized services.



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

4 § -5 **Certified community behavioral health clinics;**
5 **certification; operations.** (a) No person, public or private,
6 shall operate a certified community behavioral health clinic
7 with the expectation of payment for services under a prospective
8 payment system unless the community behavioral health clinic has
9 been certified by the office pursuant to this chapter.

10 (b) Notwithstanding any other law to the contrary, a
11 department of health community mental health center may provide
12 services necessary to meet certification criteria established by
13 the office.

14 § -6 **Decertification; procedures.** (a) The office shall
15 establish, by rule adopted pursuant to chapter 91, procedures
16 governing the decertification of certified community behavioral
17 health clinics. The rules shall include:

18 (1) Provision of notice to a certified community
19 behavioral health clinic of any proposed
20 decertification, including the reasons for the
21 proposed action;



- 1 (2) An opportunity for the certified community health
2 clinic to respond to the proposed decertification,
3 which may include submission of a corrective action
4 plan;
- 5 (3) An opportunity for a hearing in accordance with
6 chapter 91 after a final determination on
7 decertification; and
- 8 (4) Procedures for the issuance of a final determination
9 and order by the office.
- 10 (b) The office may establish additional requirements, time
11 periods, and procedures necessary to implement this section.
- 12 § -7 **Limitation of liability.** (a) Certification of a
13 community behavioral health clinic pursuant to this chapter
14 indicates that the clinic has met applicable certification
15 requirements at the time of review and shall not be construed as
16 an assurance of ongoing compliance or the outcomes of services
17 provided.
- 18 (b) Each certified community behavioral health clinic
19 shall remain responsible for compliance with applicable federal
20 and state laws and for the care and services provided to its
21 patients.



1 (c) The State's role in certifying and overseeing
2 community behavioral health clinics in this chapter shall be
3 limited to the administration of the certification program and
4 shall not be construed to expand the State's obligations beyond
5 those expressly provided by this chapter."

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

8 "**§329-2 Hawaii advisory commission on drug abuse and**
9 **controlled substances; number; appointment.** There shall be
10 established a state advisory commission on drug abuse and
11 controlled substances consisting of [~~not~~] no more than fifteen
12 nor less than nine members appointed by the governor, as
13 provided in section 26-34. The members shall be selected on the
14 basis of their ability to contribute to the solution of problems
15 arising from the abuse of controlled substances, and to the
16 extent possible, shall represent the pharmacological, medical,
17 community and business affairs, youth action, educational, legal
18 defense, enforcement, and corrections segments of the community.
19 One of the appointed members shall be a member of the state
20 council on mental health established by section 334-10, and
21 shall be knowledgeable about the community and the relationships



1 between mental health, mental illness, and substance abuse. One
2 of the appointed members shall be a representative from the
3 certified community behavioral health clinics certifying office
4 established by section -3. The commission shall elect a
5 chairperson from among its members. The members shall serve
6 without compensation, but shall be paid their necessary expenses
7 in attending meetings of the commission. The commission shall
8 be a part of the department of health for administrative
9 purposes; provided that the department of health shall appoint
10 an ex-officio non-voting representative to the commission who
11 shall regularly attend meetings of both this commission and the
12 state council on mental health, and make regular reports to both
13 bodies."

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

16 "(a) There is established, within the department of health
17 for administrative purposes, a state council on mental health.
18 The council shall consist of [~~twenty-one~~] twenty-two members
19 appointed by the governor as provided in section 26-34. In
20 making appointments to the council, the governor shall ensure
21 that all service area boards of the State are represented, and



1 that a majority of the members are nonproviders of mental health
2 or other health services, and that a majority of the members are
3 not state employees. The number of parents of children with
4 serious emotional disturbances shall be sufficient to provide
5 adequate representation of such children in the deliberations of
6 the council. The council shall be composed of residents of the
7 State, including individuals representing:

- 8 (1) The principal state agencies with respect to mental
9 health, education, vocational rehabilitation, criminal
10 justice, housing, medicaid, and social services;
- 11 (2) Public and private entities concerned with the need,
12 planning, operation, funding, and use of mental health
13 services and related support services;
- 14 (3) Adults with serious mental illnesses who are
15 receiving, or have received, mental health services;
- 16 (4) The families of such adults or families of children
17 with serious emotional disturbances; ~~and~~
- 18 (5) The Hawaii advisory commission on drug abuse and
19 controlled substances who shall be a person
20 knowledgeable about the community and the



1 relationships between mental health, mental illness,
2 and substance abuse[~~+~~]; and

3 (6) The certified community behavioral health clinics
4 certifying office established pursuant to
5 section -3."

6 SECTION 4. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$ or so
8 much thereof as may be necessary for fiscal year 2026-2027 to
9 carry out the purposes of this Act, including the hiring of
10 necessary staff for the community behavioral health clinics
11 certifying office established pursuant to this Act.

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

14 SECTION 5. If any provision of this Act, or the
15 application thereof to any person or circumstance, is held
16 invalid, the invalidity does not affect other provisions or
17 applications of the Act that can be given effect without the
18 invalid provision or application, and to this end the provisions
19 of this Act are severable.

20 SECTION 6. If any part of this Act is found to be in
21 conflict with federal requirements that are a prescribed



1 condition for the allocation of federal funds to the State, the
2 conflicting part of this Act is inoperative solely to the extent
3 of the conflict and with respect to the agencies directly
4 affected, and this finding does not affect the operation of the
5 remainder of this Act in its application to the agencies
6 concerned. The rules adopted under this Act shall meet federal
7 requirements that are a necessary condition to the receipt of
8 federal funds by the State.

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:

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

Description:

Establishes the Community Behavioral Health Clinics Certifying
Office to certify and decertify community behavioral health
clinics and provide technical assistance for clinics seeking
certification. Establishes the Certified Community Behavioral
Health Clinics Oversight Board. 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 Clinics Certifying Office.
Establishes decertification process. Limits state liability.
Appropriates funds. Effective 7/1/3000. (SD2)

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not legislation or evidence of legislative intent.*

