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# 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 department of health, or a contracted  
13 service provider, to review reports of a person having  
14 severe mental illness who needs assistance; assess  
15 whether the person fulfills the criteria for assisted  
16 community treatment; and, if the person meets the



- 1 criteria, coordinate the process for an assisted  
2 community treatment order;
- 3 (2) Requiring the director of law enforcement to adopt  
4 rules establishing training and certification  
5 standards and procedures for crisis intervention  
6 officers;
- 7 (3) Establishing that a court's denial of a petition for  
8 involuntary commitment shall serve as notification to  
9 the department of health that the person who was the  
10 subject of the petition should be evaluated for  
11 assisted community treatment;
- 12 (4) Clarifying the scope of treatment allowable under  
13 orders for assisted community treatment; and
- 14 (5) Requiring the department of the attorney general to  
15 assist with the preparation, filing, and presentation  
16 of any request for a court or administrative order  
17 authorizing treatment over the objection of certain  
18 patients.

19 SECTION 2. Chapter 334, Hawaii Revised Statutes, is  
20 amended by adding a new section to part VIII to be appropriately  
21 designated and to read as follows:



1           "§334- Department response to crisis reports. (a)  
2   When the department receives credible information that a person  
3   with a severe mental illness requires assistance, the department  
4   shall dispatch staff to assist the person. The department may  
5   coordinate the response with other departments or private  
6   service providers as necessary. This requirement shall apply to  
7   communications received by any means by which the public may  
8   contact the department, including through a department hotline,  
9   crisis line, or other means, and shall apply to communications  
10   received through department-contracted service providers.

11           (b) While assisting a person pursuant to subsection (a),  
12   the department staff or responder from another department or  
13   private service provider coordinating with the department shall  
14   assess whether the person meets the criteria for assisted  
15   community treatment pursuant to section 334-121. If, upon  
16   assessment, the department reasonably believes that the person  
17   meets the criteria for assisted community treatment, the  
18   department shall coordinate:

19           (1) Completion of an examination pursuant to  
20           section 334-121.5;



1       (2) Preparation of a certificate as specified by  
2       subsection 334-123(c); and  
3       (3) Filing, with assistance from the department of the  
4       attorney general, a petition for an assisted community  
5       treatment order pursuant to section 334-123; provided  
6       that the certificate and petition shall not be  
7       required if an assisted community treatment order is  
8       not indicated by the examination;  
9       provided further that the examination, certificate preparation,  
10      and filing of the petition may be completed by the department or  
11      by another department or private service provider coordinating  
12      with the department pursuant to subsection (a), in which case  
13      the department shall not be required to be the petitioner.  
14      (c) Notwithstanding subsection (b), if the department is  
15      unable to coordinate the process for an assisted community  
16      treatment order, the department may notify another mental health  
17      program for the coordination of care in the community for the  
18      person.  
19      (d) The department may contract with a service provider to  
20      fulfill the requirements of this section."



1 SECTION 3. Chapter 353C, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§353C- Training and certification standards and  
5 procedures regarding crisis intervention officers. Without  
6 regard to chapter 91, the director shall adopt rules setting  
7 forth statewide training and certification standards and  
8 procedures for a crisis intervention officer."

9 SECTION 4. Section 334-60.5, Hawaii Revised Statutes, is  
10 amended by amending subsection (i) to read as follows:

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



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

6 SECTION 5. Section 334-122, Hawaii Revised Statutes, is  
7 amended by amending the definition of "assisted community  
8 treatment" to read as follows:

9 ""Assisted community treatment" [~~includes medication~~  
10 ~~specifically authorized by court order; individual~~] means the  
11 categories of treatment and services ordered by the court in a  
12 treatment plan pursuant to section 334-127(b). "Assisted  
13 community treatment" includes a case management plan and case  
14 management services to provide care coordination under the  
15 supervision of an assisted community treatment provider. The  
16 categories of treatment and services may include:

- 17 (1) Medication;  
18 (2) Periodic blood tests or urinalysis to monitor  
19 compliance with prescribed medication;  
20 (3) Individual or group therapy; [~~day~~]  
21 (4) Day or partial day programming activities; [~~services~~]



- 1        (5) Services and training, including educational and  
2        vocational activities; [~~supervision~~]
- 3        (6) Supervision of living arrangements;
- 4        (7) Residential services;
- 5        (8) Alcohol and substance abuse treatment and counseling;
- 6        (9) Periodic blood tests or urinalysis for the presence of  
7        alcohol or illegal drugs for individuals with a  
8        history of alcohol or substance abuse; and [~~any~~]
- 9        (10) Any other services prescribed to either alleviate the  
10       subject of the order's disorder or disability,  
11       maintain or maximize semi-independent functioning, or  
12       prevent further deterioration that may reasonably be  
13       predicted to result in the need for hospitalization or  
14       more intensive or restrictive levels of care in the  
15       community or incarceration for criminal behavior."

16       SECTION 6. Section 334-161, Hawaii Revised Statutes, is  
17       amended by amending subsection (b) to read as follows:

18       "(b) [~~For the purposes of this section, "imminently~~  
19       ~~dangerous to self or others" means that, without intervention,~~  
20       ~~the person will likely become dangerous to self or dangerous to~~  
21       ~~others within the next forty five days.] The department of the~~



1 attorney general shall assist with the preparation and filing of  
2 any request for authorization to provide treatment over a  
3 patient's objection, whether submitted through an administrative  
4 process or to a court, and shall assist with the presentation of  
5 the case at any related court proceedings; provided that, if the  
6 requestor is a private provider or other private individual, the  
7 requestor may decline the assistance."

8 SECTION 7. Section 353C-1, Hawaii Revised Statutes, is  
9 amended by amending the definition of "crisis intervention  
10 officer" to read as follows:

11 ""Crisis intervention officer" means a law enforcement  
12 officer, as defined in section 139-1, who has been trained and  
13 certified to recognize and communicate with an individual who is  
14 in crisis or suffering from some form of impairment, whether  
15 from dementia, Alzheimer's disease, or any physical,  
16 developmental, cognitive, psychological, or substance use  
17 disorder influencing their behavior. [~~Training and~~  
18 ~~certification standards shall be determined with the department~~  
19 ~~of health.] "~~



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

4 SECTION 9. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 10. This Act shall take effect on December 31,  
7 2050.



**Report Title:**

DOH; Mental Health; Assisted Community Treatment; Crisis Intervention Officer; Emergency Examination and Hospitalization; Administration of Treatment Over the Patient's Objection

**Description:**

Requires the Department of Health to respond to reports of persons with severe mental illness who need assistance, assess whether they meet criteria for assisted community treatment, and coordinate the assisted community treatment order process when appropriate. Provides that denial of a petition for involuntary commitment serves as notice to DOH to evaluate the individual for assisted community treatment. Requires the Director of Law Enforcement to adopt rules establishing training and certification standards and procedures for crisis intervention officers. 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 court or administrative authorization to provide treatment over a patient's objection. Effective 12/31/2050. (SD2)

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

