

A Bill for an Act Relating to Mental Health and Substance Abuse.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 334, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§334- State council on mental health and substance abuse. (a) There is established a state council on mental health and substance abuse. The council shall consist of fifteen members appointed by the governor as provided in section 26-34. In making appointments to the council, the governor shall ensure that all service area boards of the State are represented, and that a majority of the members are nonproviders of mental health, substance abuse, or other health services.

The council members shall elect a chairperson. All members shall serve without compensation but shall be paid their necessary expenses in attending meetings of the council.

(b) The council shall advise the department on allocation of resources, statewide needs, and programs affecting two or more service areas. The council shall review and comment on the state plan.

(c) If the department's action is not in conformance with the council's advice, the department shall provide a written explanation to the council for its position.

(d) The council shall prepare and submit an annual report to the governor and the legislature on implementation of the state plan. The report presented to the legislature shall be submitted at least ten days prior to the convening of each regular session.

§334- Service area board. (a) A service area board shall be established to advise each service area center. The board shall consist of fifteen members appointed by the governor, who shall serve for a term to be determined by the governor. After the initial appointees, the governor shall fill each vacancy on a board by appointing a member from a list of four persons submitted by that board. The members of the board shall be service area residents and service area providers with a majority being residents and nonproviders of mental health or other health services.

The board members shall elect a chairperson. All members shall serve without compensation but shall be paid their necessary expenses in attending meetings of the board.

(b) The service area center and the board, in consultation with public and private providers, shall participate in the development of service area plans and budgets. The board shall advise the center about service area needs to prevent

mental or emotional disorders and substance abuse, and advise about treatment and rehabilitation needs of those afflicted by these disorders.

(c) If the center chief's actions are not in conformance with the board's planning decisions, the center chief shall provide a written explanation to the board for the chief's position."

SECTION 2. Section 334-2, Hawaii Revised Statutes, is amended to read as follows:

"§334-2 Mental health [program.] system. The department of health shall foster and coordinate a [mental health program in the State and] comprehensive mental health system utilizing public and private resources to reduce the incidence of mental or emotional disorders and substance abuse and to treat and rehabilitate the victims in the least restrictive and most therapeutic environment possible. The department shall administer such [mental health] programs, services, and facilities as may be provided by the State to promote, protect, preserve, care for, and improve the mental health of the people."

SECTION 3. Section 334-3, Hawaii Revised Statutes, is amended to read as follows:

"§334-3 Functions of department in mental health. (a) The department of health [is authorized to] within the limits of available funds within the designated programs, shall promote and provide for the establishment and operation of a community-based mental health [programs which shall include but not be limited to the following:] system responsive to the needs of persons of all ages, ethnic groups, and geographical areas of the State, reflective of an appropriate distribution of resources and services, and monitored and evaluated in terms of standards, goal attainment, and outcomes. The elements of the system shall be defined by departmental rules recognizing the need for at least the following services:

- (1) Informational and educational services to the general public and to lay and professional groups;
- (2) Collaborative and cooperative services with public and private agencies and groups for the prevention and treatment of mental [illness, drug addiction, and alcoholism;] or emotional disorders and substance abuse and rehabilitation of patients;
- (3) Consultation services to the judiciary, to educational institutions, and to health and welfare agencies;
- (4) [Clinical, hospital, and rehabilitation services and facilities for children, adolescents, and adults with mental illness, drug addiction, or alcoholism.] Case management, outreach, and follow-up services;

- (5) Emergency crisis and non-crisis intervention services accessible to residents of all service areas;
 - (6) Community-based, relevant, and responsive outpatient services;
 - (7) Community residential care comprising a comprehensive range of small, homelike, and appropriately staffed treatment and rehabilitation facilities;
 - (8) Short-term psychiatric hospitalization, preferably in facilities where access to other health and medical services are readily available;
 - (9) Intensive psychiatric hospitalization for patients in need of long-term, highly structured, or highly specialized care and treatment and provision of appropriate community resources;
 - (10) Training programs, activities, and staffing standards for the major mental health disciplines and ancillary services; and
 - (11) Rehabilitative services for hospital and community-based individuals who have experienced short- or long-term mental or emotional disorders and substance abuse.
- (b) The department shall[:
- (1) Establish standards and regulations for and license psychiatric facilities;
 - (2) Evaluate preventive and treatment services in the field of mental health within the State;
 - (3) Promote and conduct research, demonstration projects, and studies concerned with the nature, treatment, and consequences of mental illness, drug addiction, and alcoholism within the State;
 - (4) Cooperate with public and private groups, agencies, and institutions in establishing coordinated services to meet the mental health needs of the people;
 - (5) Keep records, statistical data, and other information as may be necessary in carrying out the functions of the mental health program and the provisions of this chapter; and
 - (6) Advocate patients' rights in all psychiatric facilities in the State and investigate any grievances submitted to them by any patient in a psychiatric facility, except as provided in section 334E-2(d). The department shall establish rules and procedures for the purpose of this subsection within one year of the enactment of this subsection and post the rules in a conspicuous manner and accessible place.] revise, refine, and develop the system to ensure optimal responsiveness to the many and varied needs of the people of the State. The development of the system shall be based on a statewide four-year plan which is developed in response to statewide assessments of need, evaluations of services, programs, and facilities, and community expressions of needed services and programs. The plan shall

determine the specific content of the department of health budget for the mental health system. The plan shall be annually monitored and updated.

- (c) The department shall specifically:
- (1) Perform statewide assessments of the need for prevention, treatment, and rehabilitation services in the areas of mental or emotional disorders and substance abuse;
 - (2) Utilize geographical service areas for the delivery of services in the areas of mental or emotional disorders and substance abuse. These areas shall be defined by catchment boundaries existing as of June 30, 1984. Each statewide four-year plan shall include a review of the effectiveness of the geographical service areas in promoting accessibility and continuity of appropriate care to all residents of that geographical area;
 - (3) Establish a service area center in each geographical service area that shall be the focal point for the development, delivery, and coordination of services in that area;
 - (4) Ensure statewide and community-based planning for the ongoing development and coordination of the service delivery system as guided by needs assessment data and performance related information;
 - (5) Establish standards and rules for psychiatric facilities and their licensing, where applicable;
 - (6) Establish standards and rules for services in the areas of mental health and substance abuse treatment, including assurances of the provision of minimum levels of accessible service to persons of all ages, ethnic groups, and geographical areas in the State;
 - (7) Ensure community involvement in determining the service delivery arrangements appropriate to each community of the State;
 - (8) Cooperate with public and private health, education, and human service groups, agencies, and institutions in establishing a coordinated system to meet the needs of persons with mental or emotional disorders and substance abuse difficulties;
 - (9) Evaluate and monitor all services in the fields of mental health and substance abuse where such services are supported fully or in part by state resources;
 - (10) Promote and conduct research, demonstration projects, and studies concerned with the nature, prevention, intervention, and consequences of mental or emotional disorders and substance abuse;
 - (11) Keep records, statistical data, and other information as may be necessary in carrying out the functions of the mental health system and this chapter;

- (12) Advocate patients' rights in all psychiatric facilities in the State and investigate any grievances submitted to the department by any patient in a psychiatric facility, except as provided in section 334E-2(d). The department shall establish rules and procedures for the purpose of this paragraph within one year after January 1, 1985, and post the rules in a conspicuous manner and accessible place;
- (13) Promote and conduct a systematic program of accountability for all services provided, funds expended, and activities carried out under its direction or support in accordance with sound business, management, and scientific principles;
- (14) Coordinate mental health resources in each service area by the presentation of a mental health systems service plan incorporating the planning of each service area. The service area center and the service area board, in collaboration with private and public agencies serving their population, shall submit recommendations for the statewide four-year plan, including needs assessment, program planning, resource development, priorities for funding, monitoring, and accountability activities;
- (15) Oversee and coordinate service area programs and provide necessary administrative and technical assistance to assist service area programs in meeting their program objectives; and
- (16) Provide staffing to the state council and service area boards to assist in the performance of their functions."

SECTION 4. Section 334-8, Hawaii Revised Statutes, is amended to read as follows:

“§334-8 [Grants-in-aid.] Agreements. In carrying out his duties under this chapter:

- (1) The director of health may enter into agreements with the United States and with other state departments, agencies, and political subdivisions and enter into assistance agreements for services with private [nonprofit] groups, institutions, [or] and corporations and allocate and expend any [fund] funds appropriated for the purposes of such agreements and do all things necessary to accomplish the purposes and provisions thereof.
- [(2)] The director may require the recipient of any state grant-in-aid to contribute money, facilities, or services to the program or project for which the grant is made.
- (3) (2) The director shall establish standards and review procedures to assure that recipients of state [grants- in-aid] funding provide the services and facilities necessary to accomplish the purposes for which the [grants are made.] funds are provided."

SECTION 5. Section 334-9, Hawaii Revised Statutes, is amended to read as follows:

“§334-9 Rules [and regulations]. The director of health [may make] shall adopt rules [and regulations] in accordance with chapter 91 to carry out this chapter.”

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored.¹

SECTION 7. This Act shall take effect on January 1, 1985.

(Approved May 31, 1984.)

Note

1. Edited pursuant to HRS §23G-16.5.