

ACT 169

S.B. NO. 2432

A Bill for an Act Relating to Mental Health.

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

SECTION 1. The legislature finds that mentally ill persons and persons suffering from substance abuse oftentimes are unable to manage their personal finances, including public entitlement moneys, in a manner which will promote their personal safety, health, and welfare. Not only are these persons often unable to exercise the judgment necessary to see that their resources are spent on basic necessities, but these persons may also be unable to exercise common sense precautions which can prevent their falling prey to the financial exploitations of opportunists.

Several states have developed successful programs which provide representative payees to persons who are unable to manage their personal finances, including the mentally ill. Experience from these programs indicates that mentally ill people are much more likely to agree to use psychiatric and medical services if they are already having their financial resources managed by someone who is connected to these services.

The purpose of this Act is to establish, within the department of health, a program which will provide representative payee services to mentally ill persons and persons suffering from substance abuse, who are unable to manage their personal financial resources.

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

“§334- Representative payee program. (a) There is established a representative payee program within the department of health, to be administered by the director of health, to provide representative payee services to “mentally ill persons,” as defined in section 334-1, and “persons suffering from substance abuse,” as defined in section 334-1, who are unable to manage their personal financial resources.

(b) In developing this program, the department of health shall consider the following:

- (1) Services to the neighbor islands;
- (2) Training for representative payees;
- (3) Representative payees for care home residents;
- (4) Representative payees for homeless persons;
- (5) The use of case managers as representative payees;
- (6) The development of due process procedures to protect the rights of mentally ill persons and persons suffering from substance abuse; and
- (7) The development and implementation of an inter-agency working agreement with the department of human services to carry out the purposes of this program.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved June 19, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.