

ACT 243

H.B. NO. 953

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 a new section to be appropriately designated and to read as follows:

“§334- Mental health and substance abuse special fund; established. (a) There is established a special fund to be known as the mental health and substance abuse special fund into which shall be deposited all revenues and other moneys collected from treatment services rendered by the mental health and substance abuse programs operated by the State. Notwithstanding any other law to the contrary, the department is authorized to establish separate accounts within the special fund for depositing moneys received from each mental health and substance abuse program. Moneys deposited into the respective accounts of each program shall be used for the payment of the operating expenses of the respective program.

(b) The director shall submit a report to the legislature, not later than

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twenty days prior to the convening of each regular session, which identifies for each account in the special fund, the account balance and ceiling increase, any transfers and expenditures made, and the purposes of the expenditures.”

SECTION 2. Section 334-6, Hawaii Revised Statutes, is amended to read as follows:

“§334-6 Fees; payment of expenses [of patients.] for treatment services. (a) [The] Pursuant to chapter 91, the director shall establish reasonable charges for [outpatient professional and other personal] treatment services [rendered to patients] and may make collections on such charges. In making the collections on such charges the director shall take into consideration the financial circumstances of the patient and his family, and no collections shall be made where in the judgment of the director, such collections would tend to make the patient or his family a public charge or deprive the patient and his family of necessary support.

(b) Every person [not indigent or medically indigent] hospitalized at a psychiatric facility or receiving treatment services through a community mental health center under the jurisdiction of the State or a county, or at a psychiatric facility or through a community mental health center which derives more than fifty per cent of its revenues from the general fund of the State, shall be liable for the expenses attending [his] their reception, maintenance, and treatment [at the facility], and any property not exempt from execution belonging to the person shall be subject to sequestration for the payment of the expenses. Every [nonindigent] parent or legal guardian of a patient who is a minor and every [nonindigent] spouse of a patient shall be liable for the expenses attending the reception, maintenance, and treatment of [his] that minor child or spouse who is hospitalized at a psychiatric facility or receiving treatment through a community mental health center under the jurisdiction of the State or a county, or at a psychiatric facility or through a community mental health center which derives more than fifty per cent of its revenues from the general fund of the State. [The director may adjust the amount of the liability, taking into consideration the financial circumstances of the patient and his family, so that the charges imposed will not tend to make the patient or his family a public charge or deprive them of necessary support.

(c) The director may defray the hospital expenses of indigent or medically indigent persons needing hospital treatment for mental illness, drug addiction, or alcoholism.

(d) The director may furnish medicines and other supplies with or without charge to any medically indigent patient as deemed appropriate by him.

(e) The director may pay the expenses of transportation of a medically indigent person who is mentally ill or who is habituated to the excessive use of drugs or alcohol, and of the accompanying attendant, from anywhere within and without the State to and from any psychiatric facility within or without the State.]”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

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

(Approved June 12, 1991.)

Note

1. Edited pursuant to HRS §23G-16.5.