

ACT 210

H.B. NO. 2029

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

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

SECTION 1. Section 329-2, Hawaii Revised Statutes, is amended to read as follows:

“§329-2 Hawaii advisory commission on drug abuse and controlled substances; number; appointment. There shall be established a state advisory commission on drug abuse and controlled substances consisting of not more than fifteen nor less than nine members appointed by the governor, as provided in section 26-34. The members shall be selected on the basis of their ability to contribute to the solution of problems arising from the abuse of controlled substances, and to the extent possible, shall represent the pharmacological, medical, community and business affairs, youth action, educational, legal defense, enforcement, and corrections segments of the community. One of the appointed members shall be a member of the state council on mental health established by section 334-10, and shall be knowledgeable about the community and the relationships between mental health, mental illness, and substance abuse. The commission shall elect [its] a chairperson[.] from among its members. The members shall serve without compensation, but shall be paid their necessary expenses in attending meetings of the commission. The commission shall be a part of the department of health for administrative purposes[, as provided for in section 26-35.]; provided that the department of health shall appoint an ex-officio non-voting representative to the commission who shall regularly attend meetings of both this commission and the state council on mental health, and make regular reports to both bodies.”

SECTION 2. Section 334-10, Hawaii Revised Statutes, is amended to read as follows:

“[[§334-10]] 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] twenty-one 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[.], and that a majority of the members are not state employees. The number of parents of children with serious emotional disturbances shall be sufficient to provide adequate representation of such children in the deliberations of the council. The council shall be composed of residents of the State, including individuals representing:

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

and the relationships between mental health, mental illness, and substance abuse.

(b) The council [members] shall elect a chairperson[.] from among its members. All members shall serve without compensation but shall be paid their necessary expenses in attending meetings of the council.

[(b)] (c) 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[.] and shall serve as an advocate for adults with serious mental illness, children with serious emotional disturbances, other individuals with mental illnesses or emotional problems, and individuals with combined mental illness substance abuse disorders.

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

[(d)] (e) 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."

SECTION 3. Section 334-11, Hawaii Revised Statutes, is amended to read as follows:

"§334-11 Service area [board.] boards. (a) A service area board shall be established to advise each service area center. [The] Each board shall consist of nine members appointed by the governor, who shall serve for [a term] terms 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, except that, if the board is unable to achieve a quorum at two consecutive meetings called for the purpose of making such a list, the list may be provided by a group of at least seven service area [residents.] consumers and nonproviders of mental health services. This group shall consist of all board members willing to participate in making the list and other area [residents] consumers and nonproviders of mental health services to be selected by the service area board chairperson and service area center chief. Any meeting called for the purpose of making the list shall be subject to part I of chapter 92. The members of the board shall be service area residents, who are consumers or nonproviders of mental health services and service area providers with a majority being [residents] non-state employees and nonproviders of mental health or other health services.

[The] Each board [members] shall elect a chairperson[.] from among its members. All members shall serve without compensation but shall be paid their necessary expenses in attending meetings of the board.

(b) [The] Each 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] Each board shall advise [the] its center about service area needs to prevent mental or emotional disorders [and substance abuse], combined mental illness substance abuse disorders, and [advise] persons [about treatment and rehabilitation needs of those] afflicted by these disorders[.], and provide advice, guidance, and recommendations to both the advisory commission on drug abuse and controlled substances (section 329-2) and the state council on mental health (section 334-10), as they deem appropriate.

(c) If [the] a 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 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 10, 1993.)