

ACT 186

S.B. NO. 2560

A Bill for an Act Relating to Mental Health.

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

SECTION 1. The purpose of this Act is to address the mental health of homeless persons.

More specifically, this Act:

- (1) Requires the department of health to provide treatment and care for homeless individuals with serious and persistent mental health challenges that prevent them from obtaining housing and residing successfully in the community as a part of its comprehensive mental health system; and
- (2) Makes an appropriation of general funds to the department of health for the provision of treatment and care for homeless individuals with serious and persistent mental health challenges.

SECTION 2. Section 334-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Homeless individual” means an individual who is homeless as defined under section 346-361 and who has a serious and persistent mental illness or is otherwise eligible for treatment.”

SECTION 3. Section 334-2, Hawaii Revised Statutes, is amended to read as follows:

“§334-2 Mental health system. The department of health shall foster and coordinate a 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[-], and to provide treatment and care for homeless individuals with serious and persistent mental health challenges to enable them to reside in a permanent dwelling unit or homeless facility, as defined in section 346-361. The department shall administer such 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 4. Section 334-2.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The director may contract with any person for:

- (1) The development or operation of private in-state psychiatric facilities;
- (2) The placement of patients in existing private or public psychiatric facilities; and
- (3) The provision of:
 - (A) Secure psychiatric rehabilitation services;
 - (B) Crisis intervention and stabilization services;
 - (C) Intensive treatment and wraparound services;
 - (D) Diversion services;
 - (E) Special treatment facilities or therapeutic living programs as defined in section 334-1;
 - (F) Case management services;
 - (G) Housing services; ~~and~~
 - (H) Outreach services, with priority for outreach services intended to help homeless individuals with serious and persistent mental health challenges reside in homeless facilities, permanent dwelling units, or other facilities and avoid returning to homelessness; and
 - ~~(H)~~ (I) Other mental health treatment and rehabilitation services.”

SECTION 5. Section 334-103, Hawaii Revised Statutes, is amended to read as follows:

“**§334-103 Program elements.** The following shall be the program elements of the system. These shall be designed to provide, at every level, alternatives to institutional settings. Applicants applying to operate program elements shall show how each of these elements works with the current programs in the community the facility will serve. Applicants may apply for operation under the following program elements:

- (1) A short-term crisis residential alternative to hospitalization for individuals experiencing an acute episode or situational crisis. The program shall be available for admissions twenty-four hours a day, seven days a week. The primary focus of this element shall be on reduction of the crisis, stabilization, diagnostic evaluation, and assessment of the person’s existing support system, including recommendations for referrals upon discharge. This service in the program shall be designed for persons who would otherwise be referred to an acute inpatient psychiatric unit;
- (2) A long-term residential treatment program for clients who would otherwise be living marginally in the community with little or no service support, and who would return many times to the hospital for treatment. It also will serve those who are referred to, and maintained in, state facilities or nursing homes, or private or public facilities or programs under contract with the director pursuant to section 334-2.5, because they require long-term, intensive support. This service shall be designed to provide a rehabilitation program for the so-called “chronic” patient who needs long-term support in order to develop independent living skills. This program goes beyond maintenance to provide an active rehabilitation focus for these individuals;

- (3) A transitional residential program designed for persons who are able to take part in programs in the general community, but who, without the support of counseling^[;] as well as the therapeutic community, would be at risk of returning to the hospital^[-] or becoming homeless by reason of serious and persistent mental health challenges. These programs may employ a variety of staffing patterns and are for persons who are expected to move toward a more independent living setting. The clients shall be expected to play a major role in the functioning of the household^[-] and shall be encouraged to accept increasing levels of responsibility, both in the residential community^[;] and in the community as a whole. Residents are required to be involved in daytime activities outside of the facility ~~[which]~~ that are relevant to their personal goals and conducive to their achieving more self-sufficiency; or
- (4) A semisupervised, independent, but structured living arrangement for persons who do not need the intensive support of the system elements of paragraph (1), (2), or (3), but who, without some support and structure, are at risk of requiring hospitalization^[-] or becoming homeless by reason of serious and persistent mental health challenges. The small cooperative housing units shall function as independent households with direct linkages to staff support in case of emergencies, as well as for regular assessment and evaluation meetings. Individuals may use satellite housing as a transition to independent living^[;] or may remain in this setting indefinitely in order to avoid the need for more intensive settings. This element is for persons who only need minimum professional or paraprofessional support in order to live in the community. These units should be as normative as the general living arrangements in the communities in which they are developed.”

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2016-2017 to provide treatment and care for homeless individuals with serious and persistent mental health challenges to enable them to reside in a permanent dwelling unit or homeless facility.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 8. This Act shall take effect on July 1, 2016.

(Approved July 1, 2016.)