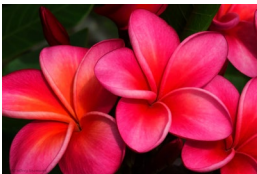


Assisted Community Treatment Update

January 24, 2023





Background

- Currently, outpatient commitment statutes exist in most states
- Assisted Community Treatment (ACT) is court mandated treatment in community mental health settings for individuals who meet criteria
- Provides a mechanism to engage individuals in treatment when there is diminished to no insight into the need for treatment
- Goal: improve the lives of those who are impacted by mental illness and reduce ineffective cycling through systems of care
- ACT is the community-based component of available methods of treatment over a person's objection



ACT Process – HRS Chapter 334 Part VIII

- **Criteria:** (based on opinion of a psychiatrist or APRN-Rx)
 - Person is mentally ill or suffering from substance abuse
 - Person is unlikely to live safely in the community without available supervision, is now in need of treatment in order to prevent a relapse or deterioration that would predictably result in the person becoming imminently dangerous to self or others, and the person's current mental status or the nature of the person's disorder limits or negates the person's ability to make an informed decision to voluntarily seek or comply with recommended treatment
 - The person has a:
 - Mental illness that has caused that person to refuse needed and appropriate mental health services in the community; or
 - History of lack of adherence to treatment for mental illness or substance abuse that resulted in the person becoming dangerous to self or others and that now would predictably result in the person becoming imminently dangerous to self or others; and
 - Considering less intrusive alternatives, assisted community treatment is essential to prevent the danger posed by the person, is medically appropriate, and is in the person's medical interests



ACT Process – HRS Chapter 334 Part VIII

- Examination by psychiatrist or APRN-Rx
 - If meet criteria- prepare certificate
- Petition:
 - Any interested party may file in family court
- Family court determines existence of guardian and if none, appoint GAL
- Hearing date set as soon as possible



ACT Process – HRS Chapter 334 Part VIII

- Legal representation:
 - Subject of the petition is entitled to the assistance of an attorney, and that the subject may contact their own attorney
- Hearing:
 - Subject not required to be present (if GAL or existing Guardian is present)
 - Psychiatrist/APRN-Rx who has personally assessed testifies:
 - Subject meets criteria
 - Provide a written treatment plan
 - Identify designated mental health program responsible for coordinating care
 - Subject may obtain own psychiatric examination and present findings



ACT Process – HRS Chapter 334 Part VIII

- Failure to comply:
 - Psychiatrist or APRN-Rx may prescribe treatment per the written treatment plan
 - Make efforts to solicit compliance
 - Subject may be transported to MH program or hospital emergency department for failure to comply
 - Forced medication can only occur within an ED or when admitted to hospital
 - Assess for whether meets criteria for admission to a hospital
 - Refusal of treatment shall not by itself constitute a basis for involuntary hospitalization



ACT Process – HRS Chapter 334 Part VIII

- Disposition:
 - Order:
 - Includes treatment plan
 - Designate psychiatrist or APRN-Rx responsible for management and supervision of treatment or administrator of the designated mental health program
 - Period of time:
 - No more than one year



Implementation and Challenges

- Implementation:
 - Uptake has not been robust
 - ACT and related procedures not widely and uniformly understood
- Challenges:
 - Legal representation for any interested party who is a petitioner
 - Designated mental health programs or independent practitioners willing and able to implement procedural requirements
 - Logistics and method of transport (334-59; MH2 ex parte order)
 - Procedures in Emergency Department:
 - Information available to ED clinician
 - Administering medication



Recommendations for Implementation

- Enhance access to legal representation
- Provide education and training:
 - SB987: appropriates funds to DOH
- Identify a roster of designated mental health programs
- Provide technical assistance and support for implementation