

JAN 21 2011

A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 334, Hawaii Revised Statutes, is
2 amended by adding three new sections to be appropriately
3 designated and to read as follows:

4 "§334- Adult mental health services; time with patients.

5 The department shall not limit the number of hours devoted to
6 individual patients and shall assign case managers to patients
7 based upon the Diagnostic and Statistical Manual of Mental
8 Health Disorders, DSM-IV, of the American Psychiatric
9 Association.

10 §334- Crisis intervention services; staff requirements.

11 The department shall employ appropriately trained professionals,
12 including clinical social workers licensed under chapter 467E,
13 who are certified in suicide prevention and substance and
14 alcohol abuse to determine the proper referral of patients, to
15 provide emergency crisis intervention services through its
16 crisis hotline.

17 §334- Assertive community treatment program. (a) There

18 is established under the department of health an assertive



1 community treatment program that includes teams that are staffed
2 with trained professionals and specialists to provide
3 individualized counseling and treatment to the patient.

4 (b) The mission of the assertive community treatment
5 program shall be to provide comprehensive case management and
6 treatment services according to the program for assertive
7 community treatment model which manages the symptoms of mental
8 illness by focusing on the establishment and linkage of
9 supportive services network in a cultural context that promotes
10 community integration and allows for family and social
11 understanding of mental illness."

12 SECTION 2. Section 431M-1, Hawaii Revised Statutes, is
13 amended by amending the definition of "serious mental illness"
14 to read as follows:

15 "[~~serious~~] Severe mental illness" means a mental disorder
16 consisting of at least one of the following: schizophrenia,
17 schizo-affective disorder, bipolar types I and II, obsessive
18 compulsive disorder, dissociative disorder, delusional disorder,
19 [~~and~~] major depression, major depressive disorder, anxiety
20 disorder, and borderline personality disorder, as defined in the
21 most recent version of the Diagnostic and Statistical Manual of
22 the American Psychiatric Association and which is of sufficient



1 severity to result in substantial interference with the
2 activities of daily living."

3 SECTION 3. Section 431M-4, Hawaii Revised Statutes, is
4 amended by amending subsections (a) and (b) to read as follows:

5 "(a) The covered benefit under this chapter shall not be
6 less than thirty days of in-hospital services per year. Each
7 day of in-hospital services may be exchanged for two days of
8 nonhospital residential services, two days of partial
9 hospitalization services, or two days of day treatment services.
10 Visits to a physician, psychologist, licensed clinical social
11 worker, marriage and family therapist, licensed mental health
12 counselor, or advanced practice registered nurse shall not be
13 less than thirty visits per year to hospital or nonhospital
14 facilities or to mental health outpatient facilities for day
15 treatment or partial hospitalization services. Each day of
16 in-hospital services may also be exchanged for two outpatient
17 visits under this chapter; provided that the patient's condition
18 is such that the outpatient services would reasonably preclude
19 hospitalization. The total covered benefit for outpatient
20 services in subsections (b) and (c) shall not be less than
21 twenty-four visits per year; provided that coverage of twelve of
22 the twenty-four outpatient visits shall apply only to the



1 services under subsection (c). The other covered benefits under
2 this chapter shall apply to any of the services in subsection
3 (b) or (c). In the case of alcohol and drug dependence
4 benefits, the insurance policy may limit the number of treatment
5 episodes but may not limit the number to less than two treatment
6 episodes per lifetime. Nothing in this section shall be
7 construed to limit [~~serious~~] severe mental illness benefits.

8 (b) Alcohol and drug dependence benefits shall be as
9 follows:

10 (1) Detoxification services as a covered benefit under
11 this chapter shall be provided either in a hospital or
12 in a nonhospital facility that has a written
13 affiliation agreement with a hospital for emergency,
14 medical, and mental health support services. The
15 following services shall be covered under
16 detoxification services:

- 17 (A) Room and board;
18 (B) Diagnostic x-rays;
19 (C) Laboratory testing; and
20 (D) Drugs, equipment use, special therapies, and
21 supplies.



1 Detoxification services shall be included as part of
2 the covered in-hospital services, but shall not be
3 included in the treatment episode limitation, as
4 specified in subsection (a);

5 (2) Alcohol or drug dependence treatment through
6 in-hospital, nonhospital residential, or day treatment
7 substance abuse services as a covered benefit under
8 this chapter shall be provided in a hospital or
9 nonhospital facility. Before a person qualifies to
10 receive benefits under this subsection, a qualified
11 physician, psychologist, licensed clinical social
12 worker, marriage and family therapist, licensed mental
13 health counselor, or advanced practice registered
14 nurse shall determine that the person suffers from
15 alcohol or drug dependence, or both; provided that the
16 substance abuse services covered under this paragraph
17 shall include those services that are required for
18 licensure and accreditation and shall be included as
19 part of the covered in-hospital services as specified
20 in subsection (a). Excluded from alcohol or drug
21 dependence treatment under this subsection are
22 detoxification services and educational programs to



1 which drinking or drugged drivers are referred by the
2 judicial system and services performed by mutual
3 self-help groups;

- 4 (3) Alcohol or drug dependence outpatient services as a
5 covered benefit under this chapter, including crisis
6 substance abuse and alcohol treatment, shall be
7 provided under an individualized treatment plan
8 approved by a qualified physician, psychologist,
9 licensed clinical social worker, marriage and family
10 therapist, licensed mental health counselor, or
11 advanced practice registered nurse and shall be
12 services reasonably expected to produce remission of
13 the patient's condition. An individualized treatment
14 plan approved by a marriage and family therapist,
15 licensed mental health counselor, licensed clinical
16 social worker, or an advanced practice registered
17 nurse for a patient already under the care or
18 treatment of a physician or psychologist shall be done
19 in consultation with the physician or psychologist.
20 Services covered under this paragraph shall be
21 included as part of the covered outpatient services as
22 specified in subsection (a) [~~+~~and]. The crisis



1 substance abuse and alcohol treatment program shall
2 extend for a period of thirty to sixty days for
3 patients that have or are known to have substance
4 abuse, including individual and group counseling; and

5 (4) Substance abuse assessments for alcohol or drug
6 dependence as a covered benefit under this section for
7 a child facing disciplinary action under section
8 302A-1134.6 shall be provided by a qualified
9 physician, psychologist, licensed clinical social
10 worker, advanced practice registered nurse, or
11 certified substance abuse counselor. The certified
12 substance abuse counselor shall be employed by a
13 hospital or nonhospital facility providing substance
14 abuse services. The substance abuse assessment shall
15 evaluate the suitability for substance abuse treatment
16 and placement in an appropriate treatment setting."

17 SECTION 4. Section 431M-5, Hawaii Revised Statutes, is
18 amended by amending subsection (c) to read as follows:

19 "(c) A health insurance plan shall not impose rates,
20 terms, or conditions including service limits and financial
21 requirements, on [~~serious~~] severe mental illness benefits, if
22 similar rates, terms, or conditions are not applied to services



1 for other medical or surgical conditions. This chapter shall
2 not apply to individual contracts; provided further that this
3 chapter shall not apply to QUEST medical plans under the
4 department of human services until July 1, 2002."

5 SECTION 5. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2011-2012 and
8 the same sum or so much thereof as may be necessary for fiscal
9 year 2012-2013 to establish a community care crisis center to
10 assist with day programs for designated patients who are
11 discharged from inpatient care.

12 The sums appropriated shall be expended by the department
13 of health for the purposes of this Act.

14 SECTION 6. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 7. This Act shall take effect upon its approval;
17 provided that section 5 shall take effect on July 1, 2011.

18

INTRODUCED BY:

[Signature]

[Signature]

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Erzanne Chun Oakland

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Will Eyo



Report Title:

Mental Health; Appropriation

Description:

Adds crisis substance abuse and alcohol treatment as a covered benefit. Amends the definition of "serious mental illness" to "severe mental illness" and to include major depressive disorder, anxiety disorders, and borderline personality disorders. Requires department of health to include in its crisis hotline program for emergency intervention services trained and certified professionals. Prohibits the adult mental health services program from limiting the number of hours of treatment per patient and requires case managers to be assigned based on the DSM IV. Establishes an assertive community treatment program under DOH. Makes appropriation to the DOH to establish a community care crisis center.

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