

JAN 22 2016

A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

- 1 SECTION 1. The purpose of this Act is to address the
2 mental health of homeless persons.
- 3 More specifically, this Act:
- 4 (1) Requires the department of health to provide treatment
5 and care for homeless individuals with serious and
6 persistent mental health challenges that prevent them
7 from obtaining housing and residing successfully in
8 the community as a part of its comprehensive mental
9 health system; and
- 10 (2) Makes an appropriation of general funds to the
11 department of health for the provision of mental
12 health care and treatment for homeless individuals.
- 13 The appropriation is made from general funds that:
- 14 (A) Are derived from the tobacco master settlement
15 agreement; and
- 16 (B) Would have been required to be expended on
17 certain programs of the department of health



1 before the enactment of Act 118, Session Laws of
2 Hawaii 2015.

3 SECTION 2. Section 334-1, Hawaii Revised Statutes, is
4 amended by adding a new definition of "homeless individual" to
5 be appropriately inserted and to read as follows:

6 "Homeless individual" means an individual who is homeless
7 as defined under section 346-361."

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

10 "**§334-2 Mental health system.** The department of health
11 shall foster and coordinate a comprehensive mental health system
12 utilizing public and private resources to reduce the incidence
13 of mental or emotional disorders and substance abuse [~~and~~], to
14 treat and rehabilitate the victims in the least restrictive and
15 most therapeutic environment possible[~~-~~], and to provide
16 treatment and care for homeless individuals with serious and
17 persistent mental health challenges to enable them to reside in
18 a permanent dwelling unit or homeless facility. The department
19 shall administer such programs, services, and facilities as may
20 be provided by the State to promote, protect, preserve, care
21 for, and improve the mental health of the people."



1 SECTION 4. Section 334-2.5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

4 (1) The development or operation of private in-state
5 psychiatric facilities;

6 (2) The placement of patients in existing private or
7 public psychiatric facilities; and

8 (3) The provision of:

9 (A) Secure psychiatric rehabilitation services;

10 (B) Crisis intervention and stabilization services;

11 (C) Intensive treatment and wraparound services;

12 (D) Diversion services;

13 (E) Special treatment facilities or therapeutic
14 living programs as defined in section 334-1;

15 (F) Case management services;

16 (G) Housing services; ~~and~~

17 (H) Outreach services, with priority for outreach
18 services intended to help homeless individuals
19 with serious and persistent mental health
20 challenges reside in homeless facilities,



1 permanent dwelling units, or other facilities and
2 avoid returning to homelessness; and
3 [~~(H)~~] (I) Other mental health treatment and
4 rehabilitation services."

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

7 "§334-103 Program elements. The following shall be the
8 program elements of the system. These shall be designed to
9 provide, at every level, alternatives to institutional settings.
10 Applicants applying to operate program elements shall show how
11 each of these elements works with the current programs in the
12 community the facility will serve. Applicants may apply for
13 operation under the following program elements:

- 14 (1) A short-term crisis residential alternative to
15 hospitalization for individuals experiencing an acute
16 episode or situational crisis. The program shall be
17 available for admissions twenty-four hours a day,
18 seven days a week. The primary focus of this element
19 shall be on reduction of the crisis, stabilization,
20 diagnostic evaluation, and assessment of the person's
21 existing support system, including recommendations for

1 referrals upon discharge. This service in the program
2 shall be designed for persons who would otherwise be
3 referred to an acute inpatient psychiatric unit;

- 4 (2) A long-term residential treatment program for clients
5 who would otherwise be living marginally in the
6 community with little or no service support, and who
7 would return many times to the hospital for treatment.
8 It also will serve those who are referred to, and
9 maintained in, state facilities or nursing homes, or
10 private or public facilities or programs under
11 contract with the director pursuant to section 334-
12 2.5, because they require long-term, intensive
13 support. This service shall be designed to provide a
14 rehabilitation program for the so-called "chronic"
15 patient who needs long-term support in order to
16 develop independent living skills. This program goes
17 beyond maintenance to provide an active rehabilitation
18 focus for these individuals;

- 19 (3) A transitional residential program designed for
20 persons who are able to take part in programs in the
21 general community, but who, without the support of



1 counseling[7] as well as the therapeutic community,
2 would be at risk of returning to the hospital[-] or
3 becoming homeless by reason of severe and persistent
4 mental illness. These programs may employ a variety
5 of staffing patterns and are for persons who are
6 expected to move toward a more independent living
7 setting. The clients shall be expected to play a
8 major role in the functioning of the household[7] and
9 shall be encouraged to accept increasing levels of
10 responsibility, both in the residential community[7]
11 and in the community as a whole. Residents are
12 required to be involved in daytime activities outside
13 of the facility [~~which~~] that are relevant to their
14 personal goals and conducive to their achieving more
15 self-sufficiency; or

- 16 (4) A semisupervised, independent, but structured living
17 arrangement for persons who do not need the intensive
18 support of the system elements of paragraph (1), (2),
19 or (3), but who, without some support and structure,
20 are at risk of requiring hospitalization[-] or
21 becoming homeless. The small cooperative housing



1 units shall function as independent households with
2 direct linkages to staff support in case of
3 emergencies, as well as for regular assessment and
4 evaluation meetings. Individuals may use satellite
5 housing as a transition to independent living^[7] or
6 may remain in this setting indefinitely in order to
7 avoid the need for more intensive settings. This
8 element is for persons who only need minimum
9 professional or paraprofessional support in order to
10 live in the community. These units should be as
11 normative as the general living arrangements in the
12 communities in which they are developed."

13 SECTION 6. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$1,000,000 or so much
15 thereof as may be necessary for fiscal year 2016-2017 for the
16 provision of mental health care and community residential
17 treatment for homeless individuals.

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

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



S.B. NO. 2560

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

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INTRODUCED BY:

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S.B. NO. 2560

Report Title:

Mental Health System; Homeless Individuals

Description:

Requires the department of health to provide treatment care for homeless individuals with serious and persistent mental health challenges as a part of its comprehensive mental health system. Appropriates moneys from the general fund for mental health care and treatment for homeless individuals. Effective 07/01/16.

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