A BILL FOR AN ACT

RELATED TO MENTAL HEALTH TREATMENT.

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

SECTION 1. Chapter 334, Hawaii Revised Statutes, is amended by adding a new section to part VIII to be appropriately designated and to read as follows:

"§334- Examination for assisted community treatment indication. Prior to release of an individual from emergency examination pursuant to section 334-59(c), release of an individual from emergency hospitalization pursuant to section 334-59(e), or release of an individual from voluntary inpatient treatment at a psychiatric facility pursuant to section 334-60.1, a licensed psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization associated with the licensed psychiatric facility where the individual is located shall examine the individual to determine whether an assisted community treatment plan is indicated pursuant to section 334-123. If a plan is indicated, the psychiatrist or nurse..."
shall prepare the certificate specified by section 334-123(b),
and the facility shall notify the department of the attorney
general, who shall be responsible for handling the petition for
assisted community treatment. The facility may notify another
mental health program for assistance with the coordination of
care."

SECTION 2. The department of health shall convene a mental
health emergencies task force. The task force shall:

(1) Assess the reasons that medical facilities are not
evaluating persons brought to their emergency rooms
for mental health emergencies for whether the person
meets the criteria for an assisted community treatment
plan and for other mental health services including
inpatient psychiatric care;

(2) Explore options for creating a state-funded treatment
team for persons not under the care of the director of
health who may be in need of an emergency examination
and hospitalization or an assisted community treatment
plan;

(3) Submit a report of its findings and recommendations,
including any proposed legislation, to the legislature
no later than sixty days prior to the convening of the regular session of 2020; and

(4) Involve representatives from private sector facilities with emergency rooms and community-based service providers.

SECTION 3. Act 221, Session Laws of Hawaii 2013, section 24, as amended by Act 114, Session Laws of Hawaii 2016, is amended to read as follows:

"SECTION 24. This Act shall take effect on January 1, 2014; provided that:

(1) Petitions filed pursuant to section 334-123, Hawaii Revised Statutes, for assisted community treatment involving a designated mental health program that is a state-operated provider shall not be filed until after July 1, 2015;

(2) Any private provider wishing to file a petition pursuant to section 334-123, Hawaii Revised Statutes, for assisted community treatment may do so after January 1, 2014, [using its own resources,] if the petitioner is to be the designated mental health program; [and]
(3) Any interested party wishing to file a petition pursuant to section 334-123, Hawaii Revised Statutes, for assisted community treatment may do so after January 1, 2014, if the designated mental health program is a private provider; and

(4) The department of the attorney general shall be responsible for filing petitions brought pursuant to section 334-123, Hawaii Revised Statutes, unless the private provider or other interested party declines."

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

INTRODUCED BY: [Signature]

JAN 23 2019
Report Title:
Department of Health; Task Force; Mental Health Petitions; Attorney General

Description:
Requires an individual to be examined prior to release from emergency examination, emergency hospitalization, or voluntary inpatient treatment to determine whether an assisted community plan is indicated and, if so, requires the department of the attorney general to handle the petition for assisted community treatment. Requires the department of health to convene a mental health emergencies task force. Makes the department of the attorney general responsible for filing assisted community treatment petitions.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.