

JAN 18 2019

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# A BILL FOR AN ACT

RELATED TO MENTAL HEALTH TREATMENT.

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

1           SECTION 1. Chapter 334, Hawaii Revised Statutes, is  
2 amended by adding a new section to part VIII to be appropriately  
3 designated and to read as follows:  
4           "§334- Examination for assisted community treatment  
5 indication. Prior to release of an individual from emergency  
6 examination pursuant to section 334-59(c), release of an  
7 individual from emergency hospitalization pursuant to section  
8 334-59(e), or release of an individual from voluntary inpatient  
9 treatment at a psychiatric facility pursuant to section  
10 334-60.1, a licensed psychiatrist or advanced practice  
11 registered nurse with prescriptive authority and who holds an  
12 accredited national certification in an advanced practice  
13 registered nurse psychiatric specialization associated with the  
14 licensed psychiatric facility where the individual is located  
15 shall examine the individual to determine whether an assisted  
16 community treatment plan is indicated pursuant to section  
17 334-123. If a plan is indicated, the psychiatrist or nurse



1 shall prepare the certificate specified by section 334-123(b),  
2 and the facility shall notify the department of the attorney  
3 general, who shall be responsible for handling the petition for  
4 assisted community treatment. The facility may notify another  
5 mental health program for assistance with the coordination of  
6 care."

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

- 9 (1) Assess the reasons that medical facilities are not  
10 evaluating persons brought to their emergency rooms  
11 for mental health emergencies for whether the person  
12 meets the criteria for an assisted community treatment  
13 plan and for other mental health services including  
14 inpatient psychiatric care;
- 15 (2) Explore options for creating a state-funded treatment  
16 team for persons not under the care of the director of  
17 health who may be in need of an emergency examination  
18 and hospitalization or an assisted community treatment  
19 plan;
- 20 (3) Submit a report of its findings and recommendations,  
21 including any proposed legislation, to the legislature



1 no later than sixty days prior to the convening of the  
2 regular session of 2020; and

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

6 SECTION 3. Act 221, Session Laws of Hawaii 2013, section  
7 24, as amended by Act 114, Session Laws of Hawaii 2016, is  
8 amended to read as follows:

9 "SECTION 24. This Act shall take effect on January 1,  
10 2014; provided that:

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

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



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

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

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

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

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INTRODUCED BY:

Karl Rhoads



# S.B. NO. 567

**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.*

