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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. A licensed psychiatrist or advanced practice  
6 registered nurse with prescriptive authority and who holds an  
7 accredited national certification in an advanced practice  
8 registered nurse psychiatric specialization associated with the  
9 licensed psychiatric facility where an individual is located who  
10 was committed to involuntary hospitalization pursuant to this  
11 part, or delivered for emergency examination or emergency  
12 hospitalization pursuant to section 334-59, or was voluntarily  
13 admitted to inpatient treatment at a psychiatric facility  
14 pursuant to section 334-60.1, shall prior to the individual's  
15 discharge examine the individual to determine whether an  
16 assisted community treatment plan is indicated pursuant to  
17 section 334-123. If a plan is indicated, the psychiatrist or



1 advanced practice registered nurse shall prepare the certificate  
2 specified by section 334-123(b), and the facility shall notify  
3 the department of the attorney general, who shall assist with  
4 the petition for assisted community treatment and the related  
5 court proceeding. The facility may notify another mental health  
6 program for assistance with the coordination of care in the  
7 community. Nothing in this section shall delay the appropriate  
8 discharge of a person from the facility after the examination  
9 for assisted community treatment indication has been completed."

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

- 12 (1) Develop recommendations for building a comprehensive  
13 continuum of care that includes leveraging assisted  
14 community treatment as well as civil commitment as  
15 part of that continuum;
- 16 (2) Assess the reasons that medical facilities are not  
17 evaluating persons brought to their emergency rooms  
18 for mental health emergencies for whether the person  
19 meets the criteria for an assisted community treatment  
20 plan and for other mental health services including  
21 inpatient psychiatric care;



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

6 (4) Explore the feasibility of Leahi hospital and Maluhia  
7 for community-based health care;

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

12 (6) Involve representatives from private sector facilities  
13 with emergency rooms and community-based service  
14 providers; provided that the Hawaii health systems  
15 corporation shall be a member of the task force.

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

19 "SECTION 24. This Act shall take effect on January 1,  
20 2014; provided that:



- 1 (1) Petitions filed pursuant to section 334-123, Hawaii  
2 Revised Statutes, for assisted community treatment  
3 involving a designated mental health program that is a  
4 state-operated provider shall not be filed until after  
5 July 1, 2015;
- 6 (2) Any private provider wishing to file a petition  
7 pursuant to section 334-123, Hawaii Revised Statutes,  
8 for assisted community treatment may do so after  
9 January 1, 2014, [~~using its own resources,~~] if the  
10 petitioner is to be the designated mental health  
11 program; [~~and~~]
- 12 (3) Any interested party wishing to file a petition  
13 pursuant to section 334-123, Hawaii Revised Statutes,  
14 for assisted community treatment may do so after  
15 January 1, 2014, [~~using the party's own resources,~~] if  
16 the designated mental health program is a private  
17 provider[~~-~~]; and
- 18 (4) The department of the attorney general shall assist  
19 with the petitions brought pursuant to section  
20 334-123, Hawaii Revised Statutes, and the related



1           court proceeding, unless the private provider or other  
2           interested party declines."

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

5           SECTION 5. This Act shall take effect on March 15, 2094.



**Report Title:**

Department of Health; Task Force; Mental Health Petitions;  
Attorney General; Assisted Community Plan

**Description:**

Requires an individual to be examined upon commitment to a psychiatric facility for involuntary hospitalization, admission to a psychiatric facility for voluntary inpatient treatment, or transported for emergency examinations, to determine whether an assisted community plan is indicated and, if so, requires the department of the attorney general to assist with the petition for assisted community treatment and related court proceeding. Requires the department of health to convene a mental health emergencies task force. (SB567 HD1)

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

