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# A BILL FOR AN ACT

RELATING TO INVOLUNTARY HOSPITALIZATION.

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

1           SECTION 1. The legislature finds that chapter 334, Hawaii  
2 Revised Statutes, requires that individuals at risk of harm to  
3 self or others, as determined by mental health emergency workers  
4 in consultation with law enforcement officers, be transported by  
5 law enforcement to facilities designated by the director of  
6 health for further evaluation and potential involuntary  
7 hospitalization, a process commonly referred to as an MH-1.  
8 Some facilities have expressed concern about the lack of  
9 specialists and infrastructure to perform the emergency medical  
10 screening and any subsequent medically necessary treatment,  
11 while other facilities experience very high volumes of MH-1  
12 patients that strain emergency department capacity.

13           The legislature further finds that while the broader  
14 framework of mental health treatment needs restructuring, the  
15 magnitude and complexity of that task requires a significant  
16 long-term commitment of resources. However, incremental  
17 improvements may yield relief more presently by addressing



1 ambiguities and inconsistencies in chapter 334, Hawaii Revised  
2 Statutes, as expressed by the community, that contribute to  
3 concerns about access, resources, and capacity, and which may  
4 impact continuity of care and public safety.

5 Therefore, the purpose of this Act is to establish an  
6 involuntary hospitalization task force to examine certain  
7 sections of chapter 334, Hawaii Revised Statutes, and make  
8 recommendations to the legislature that will diminish  
9 unnecessary emergency department admissions and improve access  
10 for MH-1 patients to the most appropriate level of care.

11 SECTION 2. (a) There is established within the department  
12 of health the involuntary hospitalization task force to:

- 13 (1) Develop criteria for the director of health to  
14 designate facilities to transport, examine, and treat  
15 patients transported and examined under section  
16 334-59(a)(1), Hawaii Revised Statutes (MH-1 patients);
- 17 (2) Review existing laws, law enforcement protocols, and  
18 procedures to identify inconsistencies, ensure MH-1  
19 patients are appropriately transported, identify areas  
20 that may need clarification to ensure standardized  
21 transportation of MH-1 patients in jurisdictions



1 statewide, and recommend clarifying language that will  
2 support consistent implementation in jurisdictions  
3 statewide;

4 (3) Develop recommendations for an efficient and  
5 appropriate distribution of transported patients for  
6 emergency examination across health care facilities in  
7 a given county that focuses on patient health and  
8 community safety;

9 (4) Provide an assessment of current law enforcement and  
10 health care facility needs and capacities for  
11 evaluation and treatment of MH-1 patients, including  
12 the availability of beds and services necessary for  
13 treating patients experiencing a mental health crisis,  
14 preventing crisis situations, and avoiding unnecessary  
15 transport of patients;

16 (5) Develop recommendations for building a coordinated  
17 system of care with capacity for crisis services,  
18 community services, and outpatient and inpatient  
19 services to address the needs of persons with mental  
20 illness and substance use disorders who are in crisis,



1 including discussions on alternative sites of  
2 treatment; and

3 (6) Develop recommendations for reimbursement to support  
4 these efforts.

5 (b) The task force, at the invitation of the director of  
6 health, shall be composed of the following individuals or their  
7 designees:

8 (1) The deputy director of behavioral health  
9 administration or the deputy director's designee, who  
10 shall serve as the chairperson of the task force;

11 (2) Seven representatives from a hospital or hospital  
12 system; provided that at least two representatives  
13 shall represent a neighbor island and one shall  
14 represent a public hospital;

15 (3) One representative from any federally qualified health  
16 center designated to receive MH-1 patients;

17 (4) One representative from a residential mental health or  
18 substance abuse treatment facility;

19 (5) One representative from the Healthcare Association of  
20 Hawaii;



1 (6) Two representatives from law enforcement, one of which  
2 shall represent a neighbor island;

3 (7) One representative from a mental health services  
4 provider;

5 (8) One representative from the department of human  
6 services; and

7 (9) One representative from the behavioral health programs  
8 of the University of Hawaii system.

9 (c) Representatives from the following entities shall be  
10 invited as additional participants of the task force:

11 (1) The chief executive officers of facilities designated  
12 by the director of health pursuant to chapter 334,  
13 Hawaii Revised Statutes;

14 (2) A patient advocate or mental health advocate;

15 (3) A representative from a social services agency; and

16 (4) A representative from a mental health emergency worker  
17 provider agency.

18 (d) Members of the task force shall serve without  
19 compensation, but shall be reimbursed for reasonable expenses  
20 incurred, including travel expenses.



1 (e) Two or more members of the task force, but less than  
2 the number of members that would constitute a quorum for the  
3 task force, may discuss between themselves matters relating to  
4 official business of the task force to enable members to  
5 faithfully perform their duties to the task force and the  
6 organizations they represent, as long as no commitment to vote  
7 is made or sought. Such discussions shall be a permitted  
8 interaction under section 92-2.5, Hawaii Revised Statutes.

9 (f) The task force shall submit a report to the  
10 legislature of its findings and recommendations, including any  
11 proposed legislation, no later than twenty days prior to the  
12 convening of the regular session of 2020.

13 (g) The task force shall assure that:

14 (1) It leverages the coordinated policy framework utilized  
15 by the Hawaii opioid initiative to link and coordinate  
16 the efforts of any task force of similar focus that  
17 the legislature requires of the department of health;  
18 and

19 (2) The department's behavioral health services  
20 administration continues to expand the use of the  
21 coordinated policy framework in its statutorily



1           required implementation of statewide mental health  
2           systems of care.

3           (h) The task force shall cease to exist on June 30, 2020;  
4 provided that the department may continue the work of the task  
5 force without the effect of this Act should the department deem  
6 necessary.

7           SECTION 3. This Act shall take effect on July 1, 2019.



**Report Title:**

Emergency Mental Health Examination; Involuntary  
Hospitalization; Task Force

**Description:**

Establishes an involuntary hospitalization task force to examine existing law and make recommendations to the legislature to reduce unnecessary emergency department admissions and improve access for MH-1 patients to the most appropriate level of care.  
(SD2)

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

