

JAN 18 2019

A BILL FOR AN ACT

RELATING TO THE COMPOSITION OF THE STATE COUNCIL ON MENTAL
HEALTH.

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

1 SECTION 1. The legislature finds that native Hawaiians
2 experience distinct health disparities that pervade their day-
3 to-day well-being and hinder their overall health.

4 Data on native Hawaiian mental health evince the pressing
5 need for state intervention and confirm that culturally-based
6 programs are four times more successful in addressing those
7 needs. For example, youth suicide attempt and death rates are
8 highest among native Hawaiians, profoundly impacting their
9 families and communities. Alarming, native Hawaiian youth and
10 emerging adults are 2.3 times more likely to die by suicide
11 compared to Caucasian youth in Hawaii. Furthermore, native
12 Hawaiian youth are twice as likely to have made a suicide
13 attempt in the last year compared to their Caucasian peers.

14 These mental health disparities, tragically, start in the
15 early years of life. Native Hawaiian keiki are over-represented
16 as victims of abuse and neglect. By high school, female native



1 Hawaiian students experience feelings of sadness or hopelessness
2 to a greater degree than their peers. Native Hawaiian youth
3 also maintain some of the highest rates of drug use in the
4 State. Not surprisingly, these mental health disparities
5 persist for native Hawaiians through adulthood and as senior
6 citizens.

7 Unfortunately, native Hawaiians tend to underutilize
8 existing mental health services, seek therapy only after their
9 illness has become severe, or leave treatment prematurely.

10 Cultural incongruence with western mental health approaches may
11 be a driving factor in native Hawaiians' underutilization of
12 mental health services. Experts explain that clients are more
13 likely to seek out and use mental health services when their
14 values and beliefs are congruent with the interventions
15 provided.

16 In 2014, the legislature codified a commitment to address
17 health disparities throughout the State. Specifically, section
18 226-20(7), Hawaii Revised Statutes, directs decision-makers to
19 "[p]rioritize programs, services, interventions, and activities
20 that address identified social determinants of health to improve
21 native Hawaiian health and well-being[.]" Additionally, the



1 legislature recognized that eliminating health disparities and
2 achieving health equity across demographics is a national
3 priority, as unequal health outcomes and disparate well-being
4 are pervasive even when people have health insurance and medical
5 care.

6 The legislature finds that the state council on mental
7 health is responsible for advising, reviewing, and evaluating
8 the allocation and adequacy of mental health resources and
9 services in the State. Accordingly, requiring the council to
10 include members with knowledge of or work experience involving
11 native Hawaiian concepts of well-being, culturally-grounded
12 mental health methodologies, or traditional healing or health
13 practices will help to systemically advance culturally
14 responsive policies and programs that may be critical to
15 addressing the dire mental health needs of Hawaii's native
16 Hawaiian and Pacific islander communities.

17 Accordingly, consistent with the commitment embodied in Act
18 155, Session Laws of Hawaii 2014, the legislature finds that it
19 is now in the best interests of the State to provide appropriate
20 native Hawaiian cultural representation on the state council on
21 mental health.



1 The purpose of this Act is to require at least three
2 members of the state council on mental health to be individuals
3 with demonstrated knowledge of or work experience involving
4 native Hawaiian concepts of well-being, culturally-grounded
5 mental health methodologies, or traditional healing or health
6 practices.

7 SECTION 2. Section 334-10, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§334-10 State council on mental health.** (a) There is
10 established, within the department of health for administrative
11 purposes, a state council on mental health. The council shall
12 consist of twenty-one members appointed by the governor as
13 provided in section 26-34. In making appointments to the
14 council, the governor shall ensure that all service area boards
15 of the State are represented, and that a majority of the members
16 are nonproviders of mental health or other health services, and
17 that a majority of the members are not state employees. The
18 number of parents of children with serious emotional
19 disturbances shall be sufficient to provide adequate
20 representation of such children in the deliberations of the



1 council. The council shall be composed of residents of the
2 State, including individuals representing:

3 (1) The principal state agencies with respect to mental
4 health, education, vocational rehabilitation, criminal
5 justice, housing, medicaid, and social services;

6 (2) Public and private entities concerned with the need,
7 planning, operation, funding, and use of mental health
8 services and related support services;

9 (3) Adults with serious mental illnesses who are
10 receiving, or have received, mental health services;

11 (4) The families of such adults or families of children
12 with serious emotional disturbances; and

13 (5) The Hawaii advisory commission on drug abuse and
14 controlled substances who shall be a person
15 knowledgeable about the community and the
16 relationships between mental health, mental illness,
17 and substance abuse.

18 (b) At least three members of the council shall have
19 demonstrated knowledge of or work experience involving native
20 Hawaiian concepts of well-being, culturally grounded mental



1 health methodologies, or traditional healing or health practices
2 as evidenced by:

3 (1) A college or university degree in a relevant field
4 such as psychology, social work, public health,
5 nursing, Hawaiian studies, health administration, or
6 medicine, with a focus on native Hawaiian and
7 indigenous health, transgenerational trauma, or
8 traditional healing or health practices such as
9 hooponopono, laau lapaau, or lomilomi;

10 (2) Work history that demonstrates an appropriate level of
11 knowledge of or involvement in native Hawaiian and
12 indigenous health, transgenerational trauma, or
13 traditional healing or health practices such as
14 hooponopono, laau lapaau, or lomilomi;

15 (3) Health, social, or advocacy work history addressing
16 native Hawaiian inequities; or

17 (4) Substantial community experience as a native Hawaiian
18 traditional and customary practitioner in healing
19 treatments, techniques, services, or practices.

20 [~~b~~] (c) The council shall elect a chairperson from among
21 its members. All members shall serve without compensation but



1 shall be paid their necessary expenses in attending meetings of
2 the council.

3 [~~e~~] (d) The council shall advise the department on
4 allocation of resources, statewide needs, and programs affecting
5 two or more service areas. The council shall review and comment
6 on the statewide comprehensive integrated service plan and shall
7 serve as an advocate for adults with serious mental illness,
8 children with serious emotional disturbances, other individuals
9 with mental illnesses or emotional problems, and individuals
10 with combined mental illness substance abuse disorders.

11 [~~d~~] (e) If the department's action is not in conformance
12 with the council's advice, the department shall provide a
13 written explanation of its position to the council.

14 [~~e~~] (f) The council shall prepare and submit an annual
15 report to the governor and the legislature on implementation of
16 the statewide comprehensive integrated service plan. The report
17 presented to the legislature shall be submitted at least twenty
18 days prior to the convening of each regular session.

19 [~~f~~] (g) A quorum for purposes of doing business shall
20 consist of a majority of the members serving on the council
21 immediately before a meeting begins.



1 [~~(g)~~] (h) If a quorum is present when a vote is taken, the
 2 affirmative vote of a majority of members present shall
 3 constitute a valid act of the council unless this chapter,
 4 part I of chapter 92, the articles of incorporation, or the
 5 bylaws require a greater number of affirmative votes."

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

8 SECTION 4. This Act shall take effect upon its approval;
 9 provided that the composition of the state council on mental
 10 health shall comply with this Act no later than July 1, 2020.

11

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S.B. NO. 348

Report Title:

State Council on Mental Health; Native Hawaiian Health Practices

Description:

Requires the State Council on Mental Health to comprise at least 3 members with demonstrated knowledge of or work experience involving Native Hawaiian concepts of well-being, culturally grounded mental health methodologies, or traditional healing or health practices.

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