
A BILL FOR AN ACT

RELATING TO CRISIS SERVICES.

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

1 SECTION 1. The legislature finds that thousands of people
2 in Hawaii are cited or arrested each year for offenses such as
3 drinking liquor in public, loitering in public parks after
4 hours, and camping on sidewalks, beaches, and other restricted
5 public places. Most of these people suffer from issues relating
6 to drugs, alcohol, or mental illness. Many of those cited do
7 not appear in court, leading courts to issue bench warrants for
8 their arrests. Time and resources are expended bringing people
9 to court, and the court system, prosecutors, and police are
10 caught in a never-ending revolving door situation. In response
11 to this situation, mental health service providers have been
12 working with appropriate law enforcement agencies and the
13 criminal justice system to implement a crisis intervention
14 program on the island of Oahu.

15 Accordingly, the purpose of this Act is to:

16 (1) Establish a crisis intervention and diversion services
17 program within the department of health to expand



1 existing crisis intervention and diversion services to
2 divert persons in crisis from the criminal justice
3 system to the health care system;

4 (2) Require the department of law enforcement to
5 coordinate crisis intervention training for state and
6 county law enforcement agencies and training and
7 certification of crisis intervention officers; and

8 (3) Appropriate funds for the crisis intervention and
9 diversion services program, the training of crisis
10 intervention officers, and crisis intervention
11 coordinator positions.

12 SECTION 2. Chapter 334, Hawaii Revised Statutes, is
13 amended by adding a new part to be appropriately designated and
14 to read as follows:

15 "PART . CRISIS SERVICES

16 §334- Crisis intervention and diversion services

17 program. (a) There is established within the department a
18 crisis intervention and diversion services program to redirect
19 persons experiencing mental health disorders and co-occurring
20 mental health and substance use disorders who are at risk for
21 involvement, or currently involved, with the criminal justice



1 system to the appropriate health care system and services. The
2 department shall collaborate with law enforcement agencies,
3 courts, mental health providers, and the community for the
4 execution and implementation of these services.

5 (b) The department may lease or acquire a facility to
6 operate a behavioral health crisis center to treat and refer
7 persons experiencing behavioral health crises, including persons
8 in the criminal justice system to the appropriate services and
9 providers."

10 SECTION 3. Chapter 353C, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 **"§353C- Crisis intervention training; crisis**
14 **intervention officers.** (a) The department shall coordinate
15 crisis intervention training for state and county law
16 enforcement agencies and crisis intervention officers. The
17 department and county law enforcement agencies shall identify
18 one or more nationally recognized crisis intervention
19 organizations that are able to provide training and
20 certification for crisis intervention officers.



1 (b) As used in this section, "crisis intervention officer"
2 means a law enforcement officer who has been trained and
3 certified to recognize and communicate with a person who is in
4 crisis or suffering from some form of impairment, whether from
5 dementia, Alzheimer's disease, or any physical, developmental,
6 cognitive, psychological, or substance use disorder influencing
7 their behavior."

8 SECTION 4. Section 334-1, Hawaii Revised Statutes, is
9 amended by adding two new definitions to be appropriately
10 inserted and to read as follows:

11 "Crisis intervention officer" has the same meaning as in
12 section 353C- .

13 "Mental health emergency worker" means a person designated
14 by the department to provide crisis intervention and emergency
15 stabilization services and to assist in determining whether a
16 mentally ill person is likely to meet the criteria for emergency
17 admission and examination."

18 SECTION 5. Section 334-3, Hawaii Revised Statutes, is
19 amended by amending subsection (c) to read as follows:

20 "(c) The department shall specifically:



- 1 (1) Perform statewide assessments of the need for
2 prevention, treatment, and rehabilitation services in
3 the areas of mental or emotional disorders and
4 substance abuse;
- 5 (2) Adopt rules pursuant to chapter 91 for establishing
6 the number and boundaries of the geographical service
7 areas for the delivery of services in the areas of
8 mental or emotional disorders and substance abuse.
9 The department shall periodically review the
10 effectiveness of the geographical service areas in
11 promoting accessibility and continuity of appropriate
12 care to all residents of that geographical area;
- 13 (3) Appoint a service area administrator in each county
14 who shall be responsible for the development,
15 delivery, and coordination of services in that area;
- 16 (4) Ensure statewide and community-based planning for the
17 ongoing development and coordination of the service
18 delivery system as guided by needs assessment data and
19 performance related information;
- 20 (5) Establish standards and rules for psychiatric
21 facilities and their licensing, where applicable;



- 1 (6) Establish standards and rules for services in the
2 areas of mental health and substance abuse treatment,
3 including assurances of the provision of minimum
4 levels of accessible service to persons of all ages,
5 ethnic groups, and geographical areas in the State;
- 6 (7) Ensure community involvement in determining the
7 service delivery arrangements appropriate to each
8 community of the State;
- 9 (8) Cooperate with public and private health, education,
10 and human service groups, agencies, and institutions
11 in establishing a coordinated system to meet the needs
12 of persons with mental or emotional disorders and
13 substance abuse difficulties;
- 14 (9) Evaluate and monitor all services in the fields of
15 mental health and substance abuse where [~~such~~]
16 services are supported fully or in part by state
17 resources;
- 18 (10) Promote and conduct research, demonstration projects,
19 and studies concerned with the nature, prevention,
20 intervention, and consequences of mental or emotional
21 disorders and substance abuse;



- 1 (11) Keep records, statistical data, and other information
2 as may be necessary in carrying out the functions of
3 the mental health system and this chapter;
- 4 (12) Advocate patients' rights in all psychiatric
5 facilities in the State and investigate any grievances
6 submitted to the department by any patient in a
7 psychiatric facility, except as provided in section
8 334E-2(d). The department shall establish rules and
9 procedures for the purpose of this paragraph within
10 one year after January 1, 1985, and post the rules in
11 a conspicuous manner and accessible place;
- 12 (13) Promote and conduct a systematic program of
13 accountability for all services provided, funds
14 expended, and activities carried out under its
15 direction or support in accordance with sound
16 business, management, and scientific principles;
- 17 (14) Coordinate mental health resources in each county of
18 the State by the development and presentation of a
19 comprehensive integrated service area plan developed
20 by the service area administrator in conjunction with
21 the service area board. The service area



1 administrator and the service area board, in
2 collaboration with private and public agencies serving
3 their population, shall submit recommendations for the
4 statewide comprehensive integrated service plan,
5 including needs assessment, program planning, resource
6 development, priorities for funding, monitoring, and
7 accountability activities;

8 (15) Oversee and coordinate service area programs and
9 provide necessary administrative and technical
10 assistance to assist service area programs in meeting
11 their program objectives; [~~and~~]

12 (16) Provide staffing to the state council and service area
13 boards to assist in the performance of their
14 functions[~~-~~]; and

15 (17) Establish standards and rules for the designation of
16 mental health emergency workers."

17 SECTION 6. Section 334-59, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) Initiation of proceedings. An emergency admission
20 may be initiated as follows:



1 (1) If a law enforcement officer has reason to believe
2 that a person is imminently dangerous to self or
3 others, the officer shall call for assistance from
4 ~~[the]~~ a mental health emergency [workers] worker
5 designated by the director. Upon determination by the
6 mental health emergency ~~[workers]~~ worker that the
7 person is imminently dangerous to self or others, the
8 person shall be transported by ambulance or other
9 suitable means~~[r]~~ to a licensed psychiatric facility
10 or other facility designated by the director for
11 further evaluation and possible emergency
12 hospitalization. If a crisis intervention officer has
13 probable cause to believe that the person is
14 imminently dangerous to self or others, the person
15 shall be transported by ambulance or other suitable
16 means to a designated behavioral health crisis center
17 designated by the director for further evaluation and
18 possible emergency hospitalization. A law enforcement
19 officer may also take into custody and transport to
20 any facility designated by the director any person
21 threatening or attempting suicide. The officer shall



1 make application for the examination, observation, and
2 diagnosis of the person in custody. The application
3 shall state or shall be accompanied by a statement of
4 the circumstances under which the person was taken
5 into custody and the reasons therefor, which shall be
6 transmitted with the person to a physician, advanced
7 practice registered nurse, or psychologist at the
8 facility.

9 (2) Upon written or oral application of any licensed
10 physician, advanced practice registered nurse,
11 psychologist, attorney, member of the clergy, health
12 or social service professional, or any state or county
13 employee in the course of employment, a judge may
14 issue an ex parte order orally, but shall reduce the
15 order to writing by the close of the next court day
16 following the application, stating that there is
17 probable cause to believe the person is mentally ill
18 or suffering from substance abuse, is imminently
19 dangerous to self or others and in need of care or
20 treatment, or both, giving the findings upon which the
21 conclusion is based. The order shall direct that a



1 law enforcement officer or other suitable individual
2 take the person into custody and deliver the person to
3 a designated mental health program, if subject to an
4 assisted community treatment order issued pursuant to
5 part VIII [~~of this chapter~~], or to the nearest
6 facility designated by the director for emergency
7 examination and treatment, or both. The ex parte
8 order shall be made a part of the patient's clinical
9 record. If the application is oral, the person making
10 the application shall reduce the application to
11 writing and shall submit the same by noon of the next
12 court day to the judge who issued the oral ex parte
13 order. The written application shall be executed
14 subject to the penalties of perjury but need not be
15 sworn to before a notary public.

16 (3) Any licensed physician, advanced practice registered
17 nurse, physician assistant, or psychologist who has
18 examined a person and has reason to believe the person
19 is:

20 (A) Mentally ill or suffering from substance abuse;

21 (B) Imminently dangerous to self or others; and



1 (C) In need of care or treatment;
2 may direct transportation, by ambulance or other
3 suitable means, to a licensed psychiatric facility or
4 other facility designated by the director for further
5 evaluation and possible emergency hospitalization. A
6 licensed physician, an advanced practice registered
7 nurse, or physician assistant may administer treatment
8 as is medically necessary, for the person's safe
9 transportation. A licensed psychologist may
10 administer treatment as is psychologically necessary."

11 SECTION 7. Section 334-59, Hawaii Revised Statutes, is
12 amended by amending subsections (d) and (e) to read as follows:

13 "(d) Emergency hospitalization. If the psychiatrist or
14 advanced practice registered nurse with prescriptive authority
15 and who holds an accredited national certification in an
16 advanced practice registered nurse psychiatric specialization
17 who performs the emergency examination has reason to believe
18 that the patient is:

- 19 (1) Mentally ill or suffering from substance abuse;
- 20 (2) Imminently dangerous to self or others; and
- 21 (3) In need of care or treatment, or both;



1 the psychiatrist or advanced practice registered nurse with
2 prescriptive authority and who holds an accredited national
3 certification in an advanced practice registered nurse
4 psychiatric specialization shall direct that the patient be
5 hospitalized on an emergency basis or cause the patient to be
6 transferred to another psychiatric facility or other facility
7 designated by the director for emergency hospitalization, or
8 both. The patient shall have the right immediately upon
9 admission to telephone the patient's guardian or a family member
10 including a reciprocal beneficiary, or an adult friend and an
11 attorney. If the patient declines to exercise that right, the
12 staff of the facility shall inform the adult patient of the
13 right to waive notification to the family, including a
14 reciprocal beneficiary, and shall make reasonable efforts to
15 ensure that the patient's guardian or family, including a
16 reciprocal beneficiary, is notified of the emergency admission
17 but the patient's family, including a reciprocal beneficiary,
18 need not be notified if the patient is an adult and requests
19 that there be no notification. The patient shall be allowed to
20 confer with an attorney in private.



1 (e) Release from emergency hospitalization. If at any
2 time during the period of emergency hospitalization the treating
3 physician determines that the patient no longer meets the
4 criteria for emergency hospitalization and the examination
5 pursuant to section 334-121.5 has been completed, the physician
6 shall expediently discharge the patient. If the patient is
7 under criminal charges, the patient shall be returned to the
8 custody of a law enforcement officer. In any event, the patient
9 shall be released within forty-eight hours of the patient's
10 admission to a psychiatric facility~~[7]~~ or other facility
11 designated by the director, unless the patient voluntarily
12 agrees to further hospitalization, or a proceeding for court-
13 ordered evaluation or hospitalization, or both, is initiated as
14 provided in section 334-60.3. If that time expires on a
15 Saturday, Sunday, or holiday, the time for initiation is
16 extended to the close of the next court day. Upon initiation of
17 the proceedings, the facility shall be authorized to detain the
18 patient until further order of the court."

19 SECTION 8. In accordance with section 9 of article VII of
20 the Hawaii State Constitution and sections 37-91 and 37-93,
21 Hawaii Revised Statutes, the legislature has determined that the



1 appropriations contained in Act 164, Regular Session of 2023,
 2 and this Act will cause the state general fund expenditure
 3 ceiling for fiscal year 2024-2025 to be exceeded by
 4 \$ or per cent. This current declaration takes
 5 into account general fund appropriations authorized for fiscal
 6 year 2024-2025 in Act 164, Regular Session of 2023, and this Act
 7 only. The reasons for exceeding the general fund expenditure
 8 ceiling are that:

- 9 (1) The appropriations made in this Act are necessary to
- 10 serve the public interest; and
- 11 (2) The appropriations made in this Act meet the needs
- 12 addressed by this Act.

13 SECTION 9. There is appropriated out of the general
 14 revenues of the State of Hawaii the sum of \$ or so
 15 much thereof as may be necessary for fiscal year 2024-2025 for
 16 the establishment of a crisis intervention and diversion
 17 services program.

18 The sum appropriated shall be expended by the department of
 19 health for the purposes of this Act.

20 SECTION 10. There is appropriated out of the general
 21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2024-2025 for
 2 the establishment of three full-time equivalent (3.0 FTE) crisis
 3 intervention coordinator positions, who shall be exempt from
 4 chapter 76, Hawaii Revised Statutes, to administer and
 5 coordinate the crisis intervention training program; provided
 6 that, upon approval from the director of law enforcement, a
 7 crisis intervention coordinator may be removed by the director
 8 of law enforcement; provided further that the director of law
 9 enforcement shall determine the final salary of crisis
 10 intervention coordinators.

11 The sum appropriated shall be expended by the department of
 12 law enforcement for the purposes of this Act.

13 SECTION 11. There is appropriated out of the general
 14 revenues of the State of Hawaii the sum of \$ or so
 15 much thereof as may be necessary for fiscal year 2024-2025 to
 16 train and certify officers in:

- 17 (1) Mental health first aid, as managed, operated, and
 18 disseminated by the National Council for Mental
 19 Wellbeing; and
- 20 (2) The crisis intervention team model, as developed by
 21 Crisis Intervention Team International.



1 The sum appropriated shall be expended by the department of
2 law enforcement for the purposes of this Act.

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

5 SECTION 13. This Act shall take effect on July 1, 3000;
6 provided that section 6 of this Act shall take effect on July 1,
7 2026.



Report Title:

DOH; DLE; Crisis Intervention and Diversion Services Program;
Mental Health Emergency Workers; Crisis Intervention Officers;
Training; Appropriation; Expenditure Ceiling

Description:

Establishes a Crisis Intervention and Diversion Services Program within the Department of Health to expand existing services to divert those with mental health issues to appropriate health care services. Requires the Department of Law Enforcement to coordinate crisis intervention training for state and county law enforcement agencies and training and certification for crisis intervention officers. Defines "mental health emergency worker" and "crisis intervention officer". Appropriates funds. Effective 7/1/3000. (HD1)

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

