
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; and

4 (2) Appropriate funds for the crisis intervention efforts
5 and diversion services program.

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

9 "PART . CRISIS SERVICES

10 §334- Crisis intervention and diversion services

11 program. (a) There is established within the department a
12 crisis intervention and diversion services program to redirect
13 to the appropriate health care system and services persons
14 experiencing mental health disorders and co-occurring mental
15 health and substance use disorders who are at risk for
16 involvement, or currently involved, with the criminal justice
17 system. The department shall collaborate with law enforcement
18 agencies, courts, mental health providers, and the community for
19 the execution and implementation of these services.

20 (b) The department may lease or acquire a facility to
21 operate a behavioral health crisis center to treat and refer to



1 appropriate services and providers persons experiencing
2 behavioral health crises, including persons in the criminal
3 justice system."

4 SECTION 3. Section 334-1, Hawaii Revised Statutes, is
5 amended by adding a new definition to be appropriately inserted
6 and to read as follows:

7 "Mental health emergency worker" means a person designated
8 by the department to provide crisis intervention and emergency
9 stabilization services and to assist in determining whether a
10 mentally ill person is likely to meet the criteria for emergency
11 admission and examination."

12 SECTION 4. Section 334-3, Hawaii Revised Statutes, is
13 amended by amending subsection (c) to read as follows:

14 "(c) The department shall specifically:

15 (1) Perform statewide assessments of the need for
16 prevention, treatment, and rehabilitation services in
17 the areas of mental or emotional disorders and
18 substance abuse;

19 (2) Adopt rules pursuant to chapter 91 for establishing
20 the number and boundaries of the geographical service
21 areas for the delivery of services in the areas of



1 mental or emotional disorders and substance abuse.
2 The department shall periodically review the
3 effectiveness of the geographical service areas in
4 promoting accessibility and continuity of appropriate
5 care to all residents of that geographical area;
6 (3) Appoint a service area administrator in each county
7 who shall be responsible for the development,
8 delivery, and coordination of services in that area;
9 (4) Ensure statewide and community-based planning for the
10 ongoing development and coordination of the service
11 delivery system as guided by needs assessment data and
12 performance related information;
13 (5) Establish standards and rules for psychiatric
14 facilities and their licensing, where applicable;
15 (6) Establish standards and rules for services in the
16 areas of mental health and substance abuse treatment,
17 including assurances of the provision of minimum
18 levels of accessible service to persons of all ages,
19 ethnic groups, and geographical areas in the State;



- 1 (7) Ensure community involvement in determining the
2 service delivery arrangements appropriate to each
3 community of the State;
- 4 (8) Cooperate with public and private health, education,
5 and human service groups, agencies, and institutions
6 in establishing a coordinated system to meet the needs
7 of persons with mental or emotional disorders and
8 substance abuse difficulties;
- 9 (9) Evaluate and monitor all services in the fields of
10 mental health and substance abuse where [~~such~~]
11 services are supported fully or in part by state
12 resources;
- 13 (10) Promote and conduct research, demonstration projects,
14 and studies concerned with the nature, prevention,
15 intervention, and consequences of mental or emotional
16 disorders and substance abuse;
- 17 (11) Keep records, statistical data, and other information
18 as may be necessary in carrying out the functions of
19 the mental health system and this chapter;
- 20 (12) Advocate patients' rights in all psychiatric
21 facilities in the State and investigate any grievances



1 submitted to the department by any patient in a
2 psychiatric facility, except as provided in section
3 334E-2(d). The department shall establish rules and
4 procedures for the purpose of this paragraph within
5 one year after January 1, 1985, and post the rules in
6 a conspicuous manner and accessible place;

7 (13) Promote and conduct a systematic program of
8 accountability for all services provided, funds
9 expended, and activities carried out under its
10 direction or support in accordance with sound
11 business, management, and scientific principles;

12 (14) Coordinate mental health resources in each county of
13 the State by the development and presentation of a
14 comprehensive integrated service area plan developed
15 by the service area administrator in conjunction with
16 the service area board. The service area
17 administrator and the service area board, in
18 collaboration with private and public agencies serving
19 their population, shall submit recommendations for the
20 statewide comprehensive integrated service plan,
21 including needs assessment, program planning, resource



- 1 development, priorities for funding, monitoring, and
2 accountability activities;
- 3 (15) Oversee and coordinate service area programs and
4 provide necessary administrative and technical
5 assistance to assist service area programs in meeting
6 their program objectives; [~~and~~]
- 7 (16) Provide staffing to the state council and service area
8 boards to assist in the performance of their
9 functions[~~-~~]; and
- 10 (17) Establish standards and rules for the designation of
11 mental health emergency workers."

12 SECTION 5. Section 334-59, Hawaii Revised Statutes, is
13 amended as follows:

14 1. By amending subsection (a) to read:

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

- 17 (1) If a law enforcement officer has reason to believe
18 that a person is imminently dangerous to self or
19 others, the officer shall call for assistance from
20 [~~the~~] a mental health emergency [~~workers~~] worker
21 designated by the director. Upon determination by the



1 mental health emergency [~~workers~~] worker that the
2 person is imminently dangerous to self or others, the
3 person shall be transported by ambulance or other
4 suitable means[7] to a licensed psychiatric facility
5 or other facility designated by the director for
6 further evaluation and possible emergency
7 hospitalization. A law enforcement officer may also
8 take into custody and transport to any facility
9 designated by the director any person threatening or
10 attempting suicide. The officer shall make
11 application for the examination, observation, and
12 diagnosis of the person in custody. The application
13 shall state or shall be accompanied by a statement of
14 the circumstances under which the person was taken
15 into custody and the reasons therefor, which shall be
16 transmitted with the person to a physician, advanced
17 practice registered nurse, or psychologist at the
18 facility.

19 (2) Upon written or oral application of any licensed
20 physician, advanced practice registered nurse,
21 psychologist, attorney, member of the clergy, health



1 or social service professional, or any state or county
2 employee in the course of employment, a judge may
3 issue an ex parte order orally, but shall reduce the
4 order to writing by the close of the next court day
5 following the application, stating that there is
6 probable cause to believe the person is mentally ill
7 or suffering from substance abuse, is imminently
8 dangerous to self or others and in need of care or
9 treatment, or both, giving the findings upon which the
10 conclusion is based. The order shall direct that a
11 law enforcement officer or other suitable individual
12 take the person into custody and deliver the person to
13 a designated mental health program, if subject to an
14 assisted community treatment order issued pursuant to
15 part VIII of this chapter, or to the nearest facility
16 designated by the director for emergency examination
17 and treatment, or both. The ex parte order shall be
18 made a part of the patient's clinical record. If the
19 application is oral, the person making the application
20 shall reduce the application to writing and shall
21 submit the same by noon of the next court day to the



1 judge who issued the oral ex parte order. The written
2 application shall be executed subject to the penalties
3 of perjury but need not be sworn to before a notary
4 public.

5 (3) Any licensed physician, advanced practice registered
6 nurse, physician assistant, or psychologist who has
7 examined a person and has reason to believe the person
8 is:

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

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

11 (C) In need of care or treatment;

12 may direct transportation, by ambulance or other
13 suitable means, to a licensed psychiatric facility or
14 other facility designated by the director for further
15 evaluation and possible emergency hospitalization. A
16 licensed physician, an advanced practice registered
17 nurse, or physician assistant may administer treatment
18 as is medically necessary, for the person's safe
19 transportation. A licensed psychologist may
20 administer treatment as is psychologically necessary."

21 2. By amending subsections (d) and (e) to read:



1 "(d) Emergency hospitalization. If the psychiatrist or
2 advanced practice registered nurse with prescriptive authority
3 and who holds an accredited national certification in an
4 advanced practice registered nurse psychiatric specialization
5 who performs the emergency examination has reason to believe
6 that the patient is:

7 (1) Mentally ill or suffering from substance abuse;

8 (2) Imminently dangerous to self or others; and

9 (3) In need of care or treatment, or both;

10 the psychiatrist or advanced practice registered nurse with
11 prescriptive authority and who holds an accredited national
12 certification in an advanced practice registered nurse
13 psychiatric specialization shall direct that the patient be
14 hospitalized on an emergency basis or cause the patient to be
15 transferred to another psychiatric facility or other facility
16 designated by the director for emergency hospitalization, or
17 both. The patient shall have the right immediately upon
18 admission to telephone the patient's guardian or a family member
19 including a reciprocal beneficiary, or an adult friend and an
20 attorney. If the patient declines to exercise that right, the
21 staff of the facility shall inform the adult patient of the



1 right to waive notification to the family, including a
2 reciprocal beneficiary, and shall make reasonable efforts to
3 ensure that the patient's guardian or family, including a
4 reciprocal beneficiary, is notified of the emergency admission
5 but the patient's family, including a reciprocal beneficiary,
6 need not be notified if the patient is an adult and requests
7 that there be no notification. The patient shall be allowed to
8 confer with an attorney in private.

9 (e) Release from emergency hospitalization. If at any
10 time during the period of emergency hospitalization the treating
11 physician determines that the patient no longer meets the
12 criteria for emergency hospitalization and the examination
13 pursuant to section 334-121.5 has been completed, the physician
14 shall expediently discharge the patient. If the patient is
15 under criminal charges, the patient shall be returned to the
16 custody of a law enforcement officer. In any event, the patient
17 shall be released within forty-eight hours of the patient's
18 admission to a psychiatric facility[7] or other facility
19 designated by the director, unless the patient voluntarily
20 agrees to further hospitalization, or a proceeding for court-
21 ordered evaluation or hospitalization, or both, is initiated as



1 provided in section 334-60.3. If that time expires on a
2 Saturday, Sunday, or holiday, the time for initiation is
3 extended to the close of the next court day. Upon initiation of
4 the proceedings, the facility shall be authorized to detain the
5 patient until further order of the court."

6 SECTION 6. In accordance with section 9 of article VII of
7 the Hawaii State Constitution and sections 37-91 and 37-93,
8 Hawaii Revised Statutes, the legislature has determined that the
9 appropriations contained in Act 164, Regular Session of 2023,
10 and this Act will cause the state general fund expenditure
11 ceiling for fiscal year 2024-2025 to be exceeded by
12 \$ or per cent. This current declaration takes
13 into account general fund appropriations authorized for fiscal
14 year 2024-2025 in Act 164, Regular Session of 2023, and this Act
15 only. The reasons for exceeding the general fund expenditure
16 ceiling are that:

- 17 (1) The appropriation made in this Act is necessary to
18 serve the public interest; and
- 19 (2) The appropriation made in this Act meets the needs
20 addressed by this Act.



1 SECTION 7. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2024-2025 for
4 the establishment of a crisis intervention and diversion
5 services program.

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

8 SECTION 8. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 9. This Act shall take effect on December 31,
11 2050.



Report Title:

DOH; Crisis Intervention and Diversion Services Program; Mental Health Emergency Workers; General Fund Expenditure Ceiling Exceeded; Appropriation

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. Defines "mental health emergency worker". Makes an appropriation for the crisis intervention and diversion program. Declares that the appropriation exceeds the state general fund expenditure ceiling for 2024-2025. Effective 12/31/2050. (SD2)

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