
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 establish a
16 crisis intervention and diversion services program within the
17 department of health to expand existing crisis intervention and



1 diversion services to divert persons in crisis from the criminal
2 justice system to the health care system.

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

6 "PART . CRISIS SERVICES

7 §334- Crisis intervention and diversion services

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

17 (b) The department may lease or acquire a facility to
18 operate a behavioral health crisis center to treat and refer
19 persons experiencing behavioral health crises, including persons
20 in the criminal justice system, to the appropriate services and
21 providers."



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

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

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

11 "(c) The department shall specifically:

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

16 (2) Adopt rules pursuant to chapter 91 for establishing
17 the number and boundaries of the geographical service
18 areas for the delivery of services in the areas of
19 mental or emotional disorders and substance abuse.

20 The department shall periodically review the
21 effectiveness of the geographical service areas in



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



1 in establishing a coordinated system to meet the needs
2 of persons with mental or emotional disorders and
3 substance abuse difficulties;

4 (9) Evaluate and monitor all services in the fields of
5 mental health and substance abuse where [~~such~~]
6 services are supported fully or in part by state
7 resources;

8 (10) Promote and conduct research, demonstration projects,
9 and studies concerned with the nature, prevention,
10 intervention, and consequences of mental or emotional
11 disorders and substance abuse;

12 (11) Keep records, statistical data, and other information
13 as may be necessary in carrying out the functions of
14 the mental health system and this chapter;

15 (12) Advocate patients' rights in all psychiatric
16 facilities in the State and investigate any grievances
17 submitted to the department by any patient in a
18 psychiatric facility, except as provided in section
19 334E-2(d). The department shall establish rules and
20 procedures for the purpose of this paragraph within



- 1 one year after January 1, 1985, and post the rules in
2 a conspicuous manner and accessible place;
- 3 (13) Promote and conduct a systematic program of
4 accountability for all services provided, funds
5 expended, and activities carried out under its
6 direction or support in accordance with sound
7 business, management, and scientific principles;
- 8 (14) Coordinate mental health resources in each county of
9 the State by the development and presentation of a
10 comprehensive integrated service area plan developed
11 by the service area administrator in conjunction with
12 the service area board. The service area
13 administrator and the service area board, in
14 collaboration with private and public agencies serving
15 their population, shall submit recommendations for the
16 statewide comprehensive integrated service plan,
17 including needs assessment, program planning, resource
18 development, priorities for funding, monitoring, and
19 accountability activities;
- 20 (15) Oversee and coordinate service area programs and
21 provide necessary administrative and technical



1 assistance to assist service area programs in meeting
2 their program objectives; [~~and~~]

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

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

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

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

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

13 (1) If a law enforcement officer has reason to believe
14 that a person is imminently dangerous to self or
15 others, the officer shall call for assistance from
16 [~~the~~] a mental health emergency [~~workers~~] worker
17 designated by the director [~~-~~]; provided that if a law
18 enforcement officer is unable to reach a mental health
19 emergency worker telephonically or has reason to
20 believe the situation to be unstable to a degree that
21 a delay of greater than two minutes would result in



1 serious harm to the individual, others, or property,
2 the law enforcement officer may act to gain control of
3 the individual. Once the law enforcement officer has
4 gained control of the individual, the law enforcement
5 officer shall call for assistance from a mental health
6 emergency worker designated by the director; provided
7 that the law enforcement officer shall document why
8 the situation necessitated that the law enforcement
9 officer gain control of the individual. Upon
10 determination by the mental health emergency [workers]
11 worker that the person is imminently dangerous to self
12 or others, the person shall be transported by
13 ambulance or other suitable means[7] to a licensed
14 psychiatric facility or other facility designated by
15 the director for further evaluation and possible
16 emergency hospitalization. If a crisis intervention
17 officer has probable cause to believe that a person is
18 imminently dangerous to self or others, the crisis
19 intervention officer shall call a mental health
20 emergency worker to determine if the person shall be
21 transported by ambulance or other suitable means to a



1 behavioral health crisis center designated by the
2 director as determined by a mental health emergency
3 worker. A law enforcement officer may also take into
4 custody and transport to any facility designated by
5 the director any person threatening or attempting
6 suicide. The law enforcement officer shall make
7 application for the examination, observation, and
8 diagnosis of the person in custody. The application
9 shall state or shall be accompanied by a statement of
10 the circumstances under which the person was taken
11 into custody and the reasons therefor, which shall be
12 transmitted with the person to a physician, advanced
13 practice registered nurse, or psychologist at the
14 facility.

15 As used in this paragraph, "crisis intervention
16 officer" has the same meaning as defined in section
17 353C-1;

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



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



1 order. The written application shall be executed
2 subject to the penalties of perjury but need not be
3 sworn to before a notary public[+]; or

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

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

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

10 (C) In need of care or treatment[+], and

11 may direct transportation, by ambulance or other
12 suitable means, to a licensed psychiatric facility or
13 other facility designated by the director for further

14 evaluation and possible emergency hospitalization. A

15 licensed physician, an advanced practice registered

16 nurse, or a physician assistant may administer

17 treatment as is medically necessary, for the person's

18 safe transportation. A licensed psychologist may

19 administer treatment as is psychologically necessary."

20 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. Section 353C-1, Hawaii Revised Statutes, is
7 amended by adding a new definition to be appropriately inserted
8 and to read as follows:

9 "Crisis intervention officer" means a law enforcement
10 officer who has been trained and certified to recognize and
11 communicate with an individual who is in crisis or suffering
12 from some form of impairment, whether from dementia, Alzheimer's
13 disease, or any physical, developmental, cognitive,
14 psychological, or substance use disorder influencing their
15 behavior. Training and certification standards shall be
16 determined with the department of health."

17 SECTION 7. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 8. This Act shall take effect upon its approval.



Report Title:

DOH; Crisis Intervention and Diversion Services Program; Mental Health Emergency Workers; Rules; Emergency Examination and Hospitalization; Crisis Intervention Officers; Transport; Designated Facilities

Description:

Establishes a Crisis Intervention and Diversion Services Program within the Department of Health to expand existing services to divert certain persons experiencing mental health disorders and co-occurring mental health and substance use disorders to appropriate health care systems and services. Defines "mental health emergency worker". Requires the Department of Health to establish standards and rules for the designation of mental health emergency workers. With regards to emergency examination and hospitalization of persons who are deemed imminently dangerous to self or others, clarifies when a law enforcement officer may gain control of the person and the procedures the officer shall take to call for assistance from a mental health emergency worker; allows the person to be transported to facilities designated by the Director of Health in addition to licensed psychiatric facilities; and allows a person to be transported to a behavioral health crisis center designated by the Director of Health if a Crisis Intervention Officer has probable cause to believe that the person is imminently dangerous to self or others, as determined by a mental health emergency worker. (CD1)

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