

JAN 19 2024

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 to support crisis intervention
5 efforts and diversion services.

6 SECTION 2. Chapter 334, Hawaii Revised Statutes, is
7 amended by adding a new section to read as follows:

8 "§334- Crisis intervention and diversion services
9 program. (a) There is established within the department a
10 crisis intervention and diversion services program to redirect
11 persons experiencing mental illness who are at risk for
12 involvement with the criminal justice system, or in the criminal
13 justice system, to the appropriate healthcare system and
14 services. The department shall collaborate with law
15 enforcement, courts, mental health providers, and the community
16 for the 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 patients from the criminal justice system to appropriate
20 services and 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 services
6 are supported fully or in part by state resources;

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

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

14 (12) Advocate patients' rights in all psychiatric
15 facilities in the State and investigate any grievances
16 submitted to the department by any patient in a
17 psychiatric facility, except as provided in section
18 334E-2(d). The department shall establish rules and
19 procedures for the purpose of this paragraph within
20 one year after January 1, 1985, and post the rules in
21 a conspicuous manner and accessible place;



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



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

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

6 SECTION 5. Section 334-59, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

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

10 (1) If a law enforcement officer has reason to believe
11 that a person is imminently dangerous to self or
12 others, the officer shall call for assistance from
13 [~~the~~] a mental health emergency [~~workers~~] worker
14 designated by the director. Upon determination by the
15 mental health emergency [~~workers~~] worker that the
16 person is imminently dangerous to self or others, the
17 person shall be transported by ambulance or other
18 suitable means[-] to a licensed psychiatric facility
19 or other facility designated by the director for
20 further evaluation and possible emergency
21 hospitalization. A law enforcement officer may also



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

12 (2) Upon written or oral application of any licensed
13 physician, advanced practice registered nurse,
14 psychologist, attorney, member of the clergy, health
15 or social service professional, or any state or county
16 employee in the course of employment, a judge may
17 issue an ex parte order orally, but shall reduce the
18 order to writing by the close of the next court day
19 following the application, stating that there is
20 probable cause to believe the person is mentally ill
21 or suffering from substance abuse, is imminently



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

19 (3) Any licensed physician, advanced practice registered
20 nurse, physician assistant, or psychologist who has



1 examined a person and has reason to believe the person
2 is:

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

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

5 (C) In need of care or treatment;

6 may direct transportation, by ambulance or other
7 suitable means, to a licensed psychiatric facility for
8 further evaluation and possible emergency
9 hospitalization. A licensed physician, an advanced
10 practice registered nurse, or physician assistant may
11 administer treatment as is medically necessary, for
12 the person's safe transportation. A licensed
13 psychologist may administer treatment as is
14 psychologically necessary."

15 SECTION 6. In accordance with section 9 of article VII of
16 the Hawaii State Constitution and sections 37-91 and 37-93,
17 Hawaii Revised Statutes, the legislature has determined that the
18 appropriations contained in Act 164, Regular Session of 2023,
19 and this Act will cause the state general fund expenditure
20 ceiling for fiscal year 2024-2025 to be exceeded by
21 \$ or per cent. This current declaration takes

1 into account general fund appropriations authorized for fiscal
2 year 2024-2025 in Act 164, Regular Session of 2023, and this Act
3 only. The reasons for exceeding the general fund expenditure
4 ceiling are that:

- 5 (1) The appropriation made in this Act is necessary to
6 serve the public interest; and
7 (2) The appropriation made in this Act meets the needs
8 addressed by this Act.

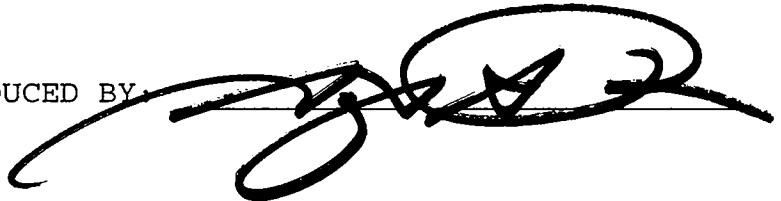
9 SECTION 7. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$6,000,000 or so much
11 thereof as may be necessary for fiscal year 2024-2025 for the
12 establishment of a crisis intervention and diversion services
13 program.

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

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

18 SECTION 9. This Act shall take effect on July 1, 2024.
19

INTRODUCED BY

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and appears to be the name of the legislator who introduced the bill.

S.B. NO. 2466

Report Title:

DOH; Crisis Intervention and Diversion Services Program; Mental Health Emergency Workers; Expenditure Ceiling; 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". Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation for the Crisis Intervention and Diversion Services Program.

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

