
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, crisis intervention
10 coordinator positions, and the training and
11 certification of crisis intervention officers.

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 shall be established within the department
18 a 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 of crisis intervention officers in mental health



1 and co-occurring disorders involving substance use disorders for
2 first aid and the crisis intervention team model.

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

10 SECTION 4. Section 76-16, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) The civil service to which this chapter applies shall
13 comprise all positions in the State now existing or hereafter
14 established and embrace all personal services performed for the
15 State, except the following:

16 (1) Commissioned and enlisted personnel of the Hawaii
17 National Guard as such, and positions in the Hawaii
18 National Guard that are required by state or federal
19 laws or regulations or orders of the National Guard to
20 be filled from those commissioned or enlisted
21 personnel;



- 1 (2) Positions filled by persons employed by contract where
- 2 the director of human resources development has
- 3 certified that the service is special or unique or is
- 4 essential to the public interest and that, because of
- 5 circumstances surrounding its fulfillment, personnel
- 6 to perform the service cannot be obtained through
- 7 normal civil service recruitment procedures. Any such
- 8 contract may be for any period not exceeding one year;
- 9 (3) Positions that must be filled without delay to comply
- 10 with a court order or decree if the director
- 11 determines that recruitment through normal recruitment
- 12 civil service procedures would result in delay or
- 13 noncompliance, such as the Felix-Cayetano consent
- 14 decree;
- 15 (4) Positions filled by the legislature or by either house
- 16 or any committee thereof;
- 17 (5) Employees in the office of the governor and office of
- 18 the lieutenant governor, and household employees at
- 19 Washington Place;
- 20 (6) Positions filled by popular vote;



1 (7) Department heads, officers, and members of any board,
2 commission, or other state agency whose appointments
3 are made by the governor or are required by law to be
4 confirmed by the senate;

5 (8) Judges, referees, receivers, masters, jurors, notaries
6 public, land court examiners, court commissioners, and
7 attorneys appointed by a state court for a special
8 temporary service;

9 (9) One bailiff for the chief justice of the supreme court
10 who shall have the powers and duties of a court
11 officer and bailiff under section 606-14; one
12 secretary or clerk for each justice of the supreme
13 court, each judge of the intermediate appellate court,
14 and each judge of the circuit court; one secretary for
15 the judicial council; one deputy administrative
16 director of the courts; three law clerks for the chief
17 justice of the supreme court, two law clerks for each
18 associate justice of the supreme court and each judge
19 of the intermediate appellate court, one law clerk for
20 each judge of the circuit court, two additional law
21 clerks for the civil administrative judge of the



1 circuit court of the first circuit, two additional law
2 clerks for the criminal administrative judge of the
3 circuit court of the first circuit, one additional law
4 clerk for the senior judge of the family court of the
5 first circuit, two additional law clerks for the civil
6 motions judge of the circuit court of the first
7 circuit, two additional law clerks for the criminal
8 motions judge of the circuit court of the first
9 circuit, and two law clerks for the administrative
10 judge of the district court of the first circuit; and
11 one private secretary for the administrative director
12 of the courts, the deputy administrative director of
13 the courts, each department head, each deputy or first
14 assistant, and each additional deputy, or assistant
15 deputy, or assistant defined in paragraph (16);
16 (10) First deputy and deputy attorneys general, the
17 administrative services manager of the department of
18 the attorney general, one secretary for the
19 administrative services manager, an administrator and
20 any support staff for the criminal and juvenile



1 justice resources coordination functions, and law
2 clerks;

3 (11) (A) Teachers, principals, vice-principals, complex
4 area superintendents, deputy and assistant
5 superintendents, other certificated personnel,
6 and no more than twenty noncertificated
7 administrative, professional, and technical
8 personnel not engaged in instructional work;

9 (B) Effective July 1, 2003, teaching assistants,
10 educational assistants, bilingual/bicultural
11 school-home assistants, school psychologists,
12 psychological examiners, speech pathologists,
13 athletic health care trainers, alternative school
14 work study assistants, alternative school
15 educational/supportive services specialists,
16 alternative school project coordinators, and
17 communications aides in the department of
18 education;

19 (C) The special assistant to the state librarian and
20 one secretary for the special assistant to the
21 state librarian; and



- 1 (D) Members of the faculty of the University of
- 2 Hawaii, including research workers, extension
- 3 agents, personnel engaged in instructional work,
- 4 and administrative, professional, and technical
- 5 personnel of the university;
- 6 (12) Employees engaged in special, research, or
- 7 demonstration projects approved by the governor;
- 8 (13) (A) Positions filled by inmates, patients of state
- 9 institutions, and persons with severe physical or
- 10 mental disabilities participating in the work
- 11 experience training programs;
- 12 (B) Positions filled with students in accordance with
- 13 guidelines for established state employment
- 14 programs; and
- 15 (C) Positions that provide work experience training
- 16 or temporary public service employment that are
- 17 filled by persons entering the workforce or
- 18 persons transitioning into other careers under
- 19 programs such as the federal Workforce Investment
- 20 Act of 1998, as amended, or the Senior Community
- 21 Service Employment Program of the Employment and



1 Training Administration of the United States
2 Department of Labor, or under other similar state
3 programs;

4 (14) A custodian or guide at Iolani Palace, the Royal
5 Mausoleum, and Hulihee Palace;

6 (15) Positions filled by persons employed on a fee,
7 contract, or piecework basis, who may lawfully perform
8 their duties concurrently with their private business
9 or profession or other private employment and whose
10 duties require only a portion of their time, if it is
11 impracticable to ascertain or anticipate the portion
12 of time to be devoted to the service of the State;

13 (16) Positions of first deputies or first assistants of
14 each department head appointed under or in the manner
15 provided in section 6, article V, of the Hawaii State
16 Constitution; three additional deputies or assistants
17 either in charge of the highways, harbors, and
18 airports divisions or other functions within the
19 department of transportation as may be assigned by the
20 director of transportation, with the approval of the
21 governor; one additional deputy in the department of



1 human services either in charge of welfare or other
2 functions within the department as may be assigned by
3 the director of human services; four additional
4 deputies in the department of health, each in charge
5 of one of the following: behavioral health,
6 environmental health, hospitals, and health resources
7 administration, including other functions within the
8 department as may be assigned by the director of
9 health, with the approval of the governor; two
10 additional deputies in charge of the law enforcement
11 programs, administration, or other functions within
12 the department of law enforcement as may be assigned
13 by the director of law enforcement, with the approval
14 of the governor; three additional deputies each in
15 charge of the correctional institutions,
16 rehabilitation services and programs, and
17 administration or other functions within the
18 department of corrections and rehabilitation as may be
19 assigned by the director [~~of~~] of corrections and
20 rehabilitation, with the approval of the governor; an
21 administrative assistant to the state librarian; and



1 an administrative assistant to the superintendent of
2 education;

3 (17) Positions specifically exempted from this part by any
4 other law; provided that:

5 (A) Any exemption created after July 1, 2014, shall
6 expire three years after its enactment unless
7 affirmatively extended by an act of the
8 legislature; and

9 (B) All of the positions defined by paragraph (9)
10 shall be included in the position classification
11 plan;

12 (18) Positions in the state foster grandparent program and
13 positions for temporary employment of senior citizens
14 in occupations in which there is a severe personnel
15 shortage or in special projects;

16 (19) Household employees at the official residence of the
17 president of the University of Hawaii;

18 (20) Employees in the department of education engaged in
19 the supervision of students during meal periods in the
20 distribution, collection, and counting of meal



- 1 tickets, and in the cleaning of classrooms after
2 school hours on a less than half-time basis;
- 3 (21) Employees hired under the tenant hire program of the
4 Hawaii public housing authority; provided that ~~not~~
5 no more than twenty-six per cent of the authority's
6 workforce in any housing project maintained or
7 operated by the authority shall be hired under the
8 tenant hire program;
- 9 (22) Positions of the federally funded expanded food and
10 nutrition program of the University of Hawaii that
11 require the hiring of nutrition program assistants who
12 live in the areas they serve;
- 13 (23) Positions filled by persons with severe disabilities
14 who are certified by the state vocational
15 rehabilitation office that they are able to perform
16 safely the duties of the positions;
- 17 (24) The sheriff;
- 18 (25) A gender and other fairness coordinator hired by the
19 judiciary;
- 20 (26) Positions in the Hawaii National Guard youth and adult
21 education programs;



- 1 (27) In the Hawaii state energy office in the department of
2 business, economic development, and tourism, all
3 energy program managers, energy program specialists,
4 energy program assistants, and energy analysts;
- 5 (28) Administrative appeals hearing officers in the
6 department of human services;
- 7 (29) In the Med-QUEST division of the department of human
8 services, the division administrator, finance officer,
9 health care services branch administrator, medical
10 director, and clinical standards administrator;
- 11 (30) In the director's office of the department of human
12 services, the enterprise officer, information security
13 and privacy compliance officer, security and privacy
14 compliance engineer, security and privacy compliance
15 analyst, information technology implementation
16 manager, assistant information technology
17 implementation manager, resource manager,
18 community/project development director, policy
19 director, special assistant to the director, and
20 limited English proficiency project
21 manager/coordinator;



- 1 (31) The Alzheimer's disease and related dementia services
- 2 coordinator in the executive office on aging;
- 3 (32) In the Hawaii emergency management agency, the
- 4 executive officer, public information officer, civil
- 5 defense administrative officer, branch chiefs, and
- 6 emergency operations center state warning point
- 7 personnel; provided that for state warning point
- 8 personnel, the director shall determine that
- 9 recruitment through normal civil service recruitment
- 10 procedures would result in delay or noncompliance;
- 11 (33) The executive director and seven full-time
- 12 administrative positions of the school facilities
- 13 authority[-];
- 14 (34) Positions in the Mauna Kea stewardship and oversight
- 15 authority;
- 16 (35) In the office of homeland security of the department
- 17 of law enforcement, the statewide interoperable
- 18 communications coordinator; [~~and~~]
- 19 (36) In the social services division of the department of
- 20 human services, the business technology analyst[-];
- 21 and



1 (37) In the department of law enforcement, three crisis
2 intervention coordinator positions.

3 The director shall determine the applicability of this
4 section to specific positions.

5 Nothing in this section shall be deemed to affect the civil
6 service status of any incumbent as it existed on July 1, 1955."

7 SECTION 5. Section 334-1, Hawaii Revised Statutes, is
8 amended by adding one new definition to be appropriately
9 inserted and to read as follows:

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

15 SECTION 6. Section 334-3, Hawaii Revised Statutes, is
16 amended by amending subsection (c) to read as follows:

17 (c) The department shall specifically:

- 18 (1) Perform statewide assessments of the need for
19 prevention, treatment, and rehabilitation services in
20 the areas of mental or emotional disorders and
21 substance abuse;



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



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



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



1 statewide comprehensive integrated service plan,
2 including needs assessment, program planning, resource
3 development, priorities for funding, monitoring, and
4 accountability activities;

5 (15) Oversee and coordinate service area programs and
6 provide necessary administrative and technical
7 assistance to assist service area programs in meeting
8 their program objectives; ~~and~~

9 (16) Provide staffing to the state council and service area
10 boards to assist in the performance of their
11 functions~~[+]~~; and

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

14 SECTION 7. Section 334-59, Hawaii Revised Statutes, is
15 amended as follows:

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

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

19 (1) If a law enforcement officer has reason to believe
20 that a person is imminently dangerous to self or
21 others, the officer shall call for assistance from



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



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



1 record. If the application is oral, the person making
 2 the application shall reduce the application to
 3 writing and shall submit the same by noon of the next
 4 court day to the judge who issued the oral ex parte
 5 order. The written application shall be executed
 6 subject to the penalties of perjury but need not be
 7 sworn to before a notary public~~[-]~~; or

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

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

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

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

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



1 safe transportation. A licensed psychologist may
2 administer treatment as is psychologically necessary."

3 2. By amending subsections (d) and (e) to read as follows:

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

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

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

12 (3) In need of care or treatment, or both[+],

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



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

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



1 designated by the director, unless the patient voluntarily
 2 agrees to further hospitalization, or a proceeding for court-
 3 ordered evaluation or hospitalization, or both, is initiated as
 4 provided in section 334-60.3. If that time expires on a
 5 Saturday, Sunday, or holiday, the time for initiation is
 6 extended to the close of the next court day. Upon initiation of
 7 the proceedings, the facility shall be authorized to detain the
 8 patient until further order of the court."

9 SECTION 8. Section 334-59, Hawaii Revised Statutes, is
 10 amended by amending subsection (a) to read as follows:

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

13 (1) If a law enforcement officer [~~has~~]:

14 (A) Has reason to believe that a person is imminently
 15 dangerous to self or others, the officer shall
 16 call for assistance from [~~the~~] a mental health
 17 emergency [~~workers~~] worker designated by the
 18 director[~~-~~]; or

19 (B) Is unable to reach a mental health emergency
 20 worker telephonically or has reason to believe
 21 the situation to be so unstable that a delay of



1 greater than two minutes would result in serious
2 harm to the individual, others, or property, the
3 law enforcement officer may act to gain control
4 of the individual. Once the law enforcement
5 officer has gained control of the individual, the
6 law enforcement officer shall call for assistance
7 from a mental health emergency worker designated
8 by the director. The law enforcement officer
9 shall document why the situation required gaining
10 control of the individual first.

11 Upon determination by the mental health emergency
12 ~~[workers]~~ worker that the person is imminently
13 dangerous to self or others, the person shall be
14 transported by ambulance or other suitable means~~[r]~~ to
15 a licensed psychiatric facility or other facility
16 designated by the director for further evaluation and
17 possible emergency hospitalization. If a crisis
18 intervention officer has probable cause to believe
19 that a person is imminently dangerous to self or
20 others, the person shall be transported by ambulance
21 or other suitable means to a designated behavioral



1 health crisis center designated by the director for
2 further evaluation and possible emergency
3 hospitalization. A law enforcement officer may also
4 take into custody and transport to any facility
5 designated by the director any person threatening or
6 attempting suicide. The law enforcement officer shall
7 make 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. As used in this paragraph, "crisis
15 intervention officer" has the same meaning as in
16 section 353C- ;

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

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



1 subject to the penalties of perjury but need not be
 2 sworn to before a notary public~~[+]~~; or
 3 (3) Any licensed physician, advanced practice registered
 4 nurse, physician assistant, or psychologist who has
 5 examined a person and has reason to believe the person
 6 is:
 7 (A) Mentally ill or suffering from substance abuse;
 8 (B) Imminently dangerous to self or others; and
 9 (C) In need of care or treatment~~[+]~~,
 10 may direct transportation, by ambulance or other
 11 suitable means, to a licensed psychiatric facility or
 12 other facility designated by the director for further
 13 evaluation and possible emergency hospitalization. A
 14 licensed physician, an advanced practice registered
 15 nurse, or a physician assistant may administer
 16 treatment as is medically necessary, for the person's
 17 safe transportation. A licensed psychologist may
 18 administer treatment as is psychologically necessary."

19 SECTION 9. 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 10. 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 11. 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 full-time equivalent (FTE) crisis
3 intervention coordinator positions to administer and coordinate
4 the crisis intervention training program; provided that, upon
5 approval from the director of law enforcement, a crisis
6 intervention coordinator may be removed by the director of law
7 enforcement; provided further that the director of law
8 enforcement shall determine the final salary of crisis
9 intervention coordinators.

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

12 SECTION 12. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so
14 much thereof as may be necessary for fiscal year 2024-2025 to
15 train and certify officers in:

16 (1) Mental health first aid, as managed, operated, and
17 disseminated by the National Council for Mental
18 Wellbeing; and

19 (2) The crisis intervention team model, as developed by
20 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 13. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 14. This Act shall take effect on July 1, 3000;
6 provided that section 8 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. (HD3)

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

