
A BILL FOR AN ACT

RELATING TO CRISIS INTERVENTION.

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

1 PART I

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

16 Accordingly, the purpose of this part is to establish a
17 behavioral health crisis center pilot program in the department



1 of health to redirect persons experiencing a mental health
2 crisis who are involved with, or at risk for involvement with,
3 the criminal justice system to the appropriate health care
4 system and services.

5 SECTION 2. (a) There is established a behavioral health
6 crisis center pilot program within the adult mental health
7 division of the department of health to redirect persons
8 experiencing a mental health or substance use disorder crisis
9 who are involved with, or are at risk for involvement with, the
10 criminal justice system to the appropriate health care system
11 and services.

12 (b) The pilot program shall establish two behavioral
13 health crisis centers from which to treat and direct patients
14 pursuant to the pilot program, one to be located in Honolulu and
15 a second to be located on Oahu or on a neighbor island. The
16 department of health shall determine the most appropriate sites
17 for the behavioral health crisis centers. The department of
18 health may lease or acquire property for the establishment of
19 these behavioral health crisis centers.

20 (c) Each behavioral health crisis center established by
21 the pilot program shall:



- 1 (1) Address mental health and substance use disorder
- 2 crisis issues;
- 3 (2) Screen, assess, admit for stabilization, and redirect
- 4 a client to ongoing care in the most appropriate and
- 5 least restrictive community setting available,
- 6 consistent with the client's needs;
- 7 (3) Provide services twenty-four hours a day, seven days a
- 8 week;
- 9 (4) Provide services regardless of the client's ability to
- 10 pay, subject to subsection (d);
- 11 (5) Offer a dedicated first responder drop-off area;
- 12 (6) Not require medical clearance before admission of the
- 13 client but rather provide assessment and support for
- 14 the client's medical stability while at the behavioral
- 15 health crisis center;
- 16 (7) Have the capacity to assess physical health needs and
- 17 deliver care for most minor physical health
- 18 challenges;
- 19 (8) Be staffed at all times with a multidisciplinary team
- 20 capable of meeting the needs of clients experiencing



1 all levels of mental health or substance use disorder
2 crises; and

3 (9) Screen clients for suicide or violence risk and
4 complete more comprehensive risk assessments and
5 planning when clinically indicated.

6 (d) No person shall be denied services at a behavioral
7 health crisis center operated under the pilot program because of
8 inability to pay; provided that subject to section 334-6, Hawaii
9 Revised Statutes, the behavioral health crisis center shall make
10 every reasonable effort to collect appropriate reimbursement for
11 the cost of providing services to persons with the ability to
12 pay for services, including insurance or third-party payments.

13 (e) The department of health shall collaborate with law
14 enforcement agencies, courts, mental health providers, and
15 community stakeholders for the execution and implementation of
16 the pilot program.

17 (f) The adult mental health division of the department of
18 health shall submit a report on the behavioral health crisis
19 center pilot program to the legislature no later than twenty
20 days prior to the convening of the regular sessions of 2025 and
21 2026. Each report shall include progress updates on the



1 establishment of the behavioral health crisis centers,
 2 contracting of crisis intervention services and diversion
 3 activities, actual delivery and utilization of crisis
 4 intervention services, outcomes of services and diversion
 5 activities at the behavioral health crisis centers, and
 6 collection of reimbursements for the cost of providing treatment
 7 or services, including reimbursements from insurance or third-
 8 party payments.

9 (g) The behavioral health crisis center pilot program
 10 shall cease on December 31, 2026.

11 SECTION 3. There is appropriated out of the general
 12 revenues of the State of Hawaii the sum of \$ or so
 13 much thereof as may be necessary for fiscal year 2024-2025 for
 14 the establishment of the behavioral health crisis center pilot
 15 program, including the leasing or acquisition of property and
 16 contracting for crisis intervention and diversion services,
 17 pursuant to this part.

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

20 SECTION 4. In accordance with section 9 of article VII of
 21 the Hawaii State Constitution and sections 37-91 and 37-93,



1 Hawaii Revised Statutes, the legislature has determined that the
 2 appropriations contained in H.B. No. , will cause the state
 3 general fund expenditure ceiling for fiscal year 2024-2025 to be
 4 exceeded by \$ or per cent. In addition, the
 5 appropriation contained in this Act will cause the general fund
 6 expenditure ceiling for fiscal year 2024-2025 to be further
 7 exceeded by \$ or per cent. The combined total
 8 amount of general fund appropriations contained in only these
 9 two Acts will cause the state general fund expenditure ceiling
 10 for fiscal year 2024-2025 to be exceeded by
 11 \$ or per cent. The reasons for exceeding the
 12 general fund expenditure ceiling are that:

- 13 (1) The appropriation made in this Act is necessary to
 14 serve the public interest; and
- 15 (2) The appropriation made in this Act meets the needs
 16 addressed by this Act.

17 PART II

18 SECTION 5. Chapter 334, Hawaii Revised Statutes, is
 19 amended by adding a new section to part I to be appropriately
 20 designated and to read as follows:



1 "§334- Behavioral health crisis centers. Pursuant to
 2 the authority and functions established under sections
 3 334-2.5(a)(3)(B) and 334-3(a)(5), the director may establish or
 4 contract with behavioral health crisis centers in each county of
 5 the State to provide care, diagnosis, or treatment for persons
 6 experiencing a mental illness or substance use disorder crisis."

7 SECTION 6. Section 334-59, Hawaii Revised Statutes, is
 8 amended as follows:

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

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

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



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

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



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



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

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

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

7 (C) In need of care or treatment;

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

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

18 "(d) Emergency hospitalization. If the psychiatrist or
19 advanced practice registered nurse with prescriptive authority
20 and who holds an accredited national certification in an
21 advanced practice registered nurse psychiatric specialization



1 who performs the emergency examination has reason to believe
2 that the patient is:

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

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

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

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



1 but the patient's family, including a reciprocal beneficiary,
2 need not be notified if the patient is an adult and requests
3 that there be no notification. The patient shall be allowed to
4 confer with an attorney in private.

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



1 the proceedings, the facility shall be authorized to detain the
2 patient until further order of the court."

3 PART III

4 SECTION 7. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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



Report Title:

DOH; Behavioral Health Crisis Center Pilot Program; Behavioral Health Crisis Centers; Crisis Intervention; Diversion; Reports; Appropriation; Expenditure Ceiling

Description:

Establishes the Behavioral Health Crisis Center Pilot Program. Authorizes the Department of Health to establish or contract with behavioral health crisis centers in each county. Requires reports to the Legislature. Appropriates funds for the pilot program. Declares that the general fund expenditure ceiling is exceeded. (SD1)

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