

JAN 24 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 purposes of this Act are to:

16           (1) Establish a crisis intervention and diversion services  
17           program within the department of health to expand  
18           existing crisis intervention and diversion services to

S.B. NO. 3139

1 divert persons in crisis from the criminal justice  
2 system to the health care system; and

3 (2) Appropriate funds to support crisis intervention  
4 efforts and diversion services.

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

8 "PART . CRISIS SERVICES

9 §334- Crisis intervention and diversion services

10 program. (a) There is established within the department a  
11 crisis intervention and diversion services program to redirect  
12 persons experiencing mental illness who are at risk for  
13 involvement with the criminal justice system, or in the criminal  
14 justice system, to the appropriate healthcare system and  
15 services. The department shall collaborate with law  
16 enforcement, courts, mental health providers, and the community  
17 for the execution and implementation of these services.

18 (b) The department may lease or acquire a facility to  
19 operate a behavioral health crisis center to treat and refer  
20 patients from the criminal justice system to appropriate  
21 services and providers."

S.B. NO. 3139

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

S.B. NO. 3139

- 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  
22 in establishing a coordinated system to meet the needs

S.B. NO. 3139

- 1 of persons with mental or emotional disorders and  
2 substance abuse difficulties;
- 3 (9) Evaluate and monitor all services in the fields of  
4 mental health and substance abuse where such services  
5 are supported fully or in part by state resources;
- 6 (10) Promote and conduct research, demonstration projects,  
7 and studies concerned with the nature, prevention,  
8 intervention, and consequences of mental or emotional  
9 disorders and substance abuse;
- 10 (11) Keep records, statistical data, and other information  
11 as may be necessary in carrying out the functions of  
12 the mental health system and this chapter;
- 13 (12) Advocate patients' rights in all psychiatric  
14 facilities in the State and investigate any grievances  
15 submitted to the department by any patient in a  
16 psychiatric facility, except as provided in section  
17 334E-2(d). The department shall establish rules and  
18 procedures for the purpose of this paragraph within  
19 one year after January 1, 1985, and post the rules in  
20 a conspicuous manner and accessible place;
- 21 (13) Promote and conduct a systematic program of  
22 accountability for all services provided, funds

S.B. NO. 3139

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

S.B. NO. 3139

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

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

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

7            (1) If a law enforcement officer has reason to believe  
8                    that a person is imminently dangerous to self or  
9                    others, the officer shall call for assistance from  
10                    [~~the~~] a mental health emergency [workers] worker  
11                    designated by the director. Upon determination by the  
12                    mental health emergency [~~workers~~] worker that the  
13                    person is imminently dangerous to self or others, the  
14                    person shall be transported by ambulance or other  
15                    suitable means[~~7~~] to a licensed psychiatric facility  
16                    or other facility designated by the director for  
17                    further evaluation and possible emergency  
18                    hospitalization. A law enforcement officer may also  
19                    take into custody and transport to any facility  
20                    designated by the director any person threatening or  
21                    attempting suicide. The officer shall make  
22                    application for the examination, observation, and

S.B. NO. 3139

1 diagnosis of the person in custody. The application  
2 shall state or shall be accompanied by a statement of  
3 the circumstances under which the person was taken  
4 into custody and the reasons therefor, which shall be  
5 transmitted with the person to a physician, advanced  
6 practice registered nurse, or psychologist at the  
7 facility.

8 (2) Upon written or oral application of any licensed  
9 physician, advanced practice registered nurse,  
10 psychologist, attorney, member of the clergy, health  
11 or social service professional, or any state or county  
12 employee in the course of employment, a judge may  
13 issue an ex parte order orally, but shall reduce the  
14 order to writing by the close of the next court day  
15 following the application, stating that there is  
16 probable cause to believe the person is mentally ill  
17 or suffering from substance abuse, is imminently  
18 dangerous to self or others and in need of care or  
19 treatment, or both, giving the findings upon which the  
20 conclusion is based. The order shall direct that a  
21 law enforcement officer or other suitable individual  
22 take the person into custody and deliver the person to



S.B. NO. 3139

1 a designated mental health program, if subject to an  
2 assisted community treatment order issued pursuant to  
3 part VIII of this chapter, or to the nearest facility  
4 designated by the director for emergency examination  
5 and treatment, or both. The ex parte order shall be  
6 made a part of the patient's clinical record. If the  
7 application is oral, the person making the application  
8 shall reduce the application to writing and shall  
9 submit the same by noon of the next court day to the  
10 judge who issued the oral ex parte order. The written  
11 application shall be executed subject to the penalties  
12 of perjury but need not be sworn to before a notary  
13 public.

14 (3) Any licensed physician, advanced practice registered  
15 nurse, physician assistant, or psychologist who has  
16 examined a person and has reason to believe the person  
17 is:

- 18 (A) Mentally ill or suffering from substance abuse;
- 19 (B) Imminently dangerous to self or others; and
- 20 (C) In need of care or treatment;

21 may direct transportation, by ambulance or other  
22 suitable means, to a licensed psychiatric facility for

S.B. NO. 3139


1 further evaluation and possible emergency  
2 hospitalization. A licensed physician, an advanced  
3 practice registered nurse, or physician assistant may  
4 administer treatment as is medically necessary, for  
5 the person's safe transportation. A licensed  
6 psychologist may administer treatment as is  
7 psychologically necessary."

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

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

15 SECTION 7. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 8. This Act, upon its approval, shall take effect  
18 on July 1, 2024.

19 INTRODUCED BY: 

20 BY REQUEST

# S.B. NO. 3139

**Report Title:**

DOH; Crisis Intervention and Diversion Services Program; Mental Health Emergency Workers.

**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". Appropriates funds for the crisis intervention and diversion program. Effective 7/1/2024.

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

*Printed on 10/21/2024 10:21:00 AM*

## JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO CRISIS SERVICES.

PURPOSE: To establish a crisis intervention and diversion services program within the Department of Health to divert appropriate individuals from the criminal justice system to the health care system.

MEANS: Add a new part to chapter 334, Hawaii Revised Statutes (HRS), and amend sections 334-1, 334-3(c), and 334-59(a), HRS.

JUSTIFICATION: The current safety net of programs and services that addresses individuals with mental illness and justice system involvement is not robust enough nor sufficiently inter-connected to assure appropriate, cost-effective, timely, and efficacious interventions. This has produced a revolving-door effect in both healthcare and criminal justice where a minority of cases drains a disproportionate amount of resources unnecessarily. This program will facilitate earlier intervention and access to more effective treatments for those persons believed to be imminently dangerous to self or others.

Impact on the public: This bill will improve public safety and efficient use of government and private resources.

Impact on the department and other agencies:  
None.

GENERAL FUND: \$6,000,000.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH 495.

OTHER AFFECTED  
AGENCIES:

The Judiciary, Department of Law  
Enforcement, Department of Public Safety,  
and county law enforcement agencies.

EFFECTIVE DATE: July 1, 2024.