

**Suggested Statutory Amendments from Scott Peters, JD**

34-52-1. Definitions. Terms used in this chapter mean:

- (1) "Health care professional," as defined in § 58-17F-1;
- (2) "Health care facility," any office or institution where health services are provided, including any hospital, clinic, ambulatory surgery center, outpatient care facility, nursing home, assisted living facility, laboratory, or office of a health care professional;
- (3) "Originating site," a site where a patient is located at the time health care services are delivered to the patient via telehealth;
- (4) "Store-and-forward technology," secure electronic information, imaging, or data, including audio, video, and data communication that is transferred or recorded or otherwise stored for asynchronous delivery of health care services to a patient; and
- (5) "Telehealth," the use of secure electronic information, imaging, and communication technologies by a health care professional to deliver health care services to a patient, including interactive audio-video, interactive audio with store and forward, store-and-forward technology, and remote patient monitoring. Telehealth does not include the delivery of services through electronic means under the provisions of Title 27A, Chapter 10, or the delivery of health care services through an audio-only telephone, electronic mail message, text message, mail service, facsimile transmission, or any combination thereof

27A-10-20. Definition of terms related to crisis referral and placement. Terms used in this section and §§ 27A-10-21 to 27A-10-23, inclusive, mean:

- (1) "Crisis intervention team certified law enforcement officer," any law enforcement officer who has undergone a comprehensive training program in crisis intervention techniques involving any person who is mentally ill or has substance abuse issues and has received certification as a crisis intervention officer by the officer's department;
- (2) "Crisis intervention team," a team of law enforcement officers and individuals who have undergone a comprehensive training program in crisis intervention techniques involving any person who is mentally ill or has chemical dependency or substance abuse issues;
- (3) "Mobile crisis team," an interdisciplinary team of one or more mental health professionals able to respond to any person in the community by personal or face-to-face real-time audio/video conferencing, usually visiting the person at home, for mental health and chemical dependency or abuse intervention;
- (4) "Team member," any person who is a member of a crisis intervention team or a mobile crisis team.

27A-10-21. Referral to mobile crisis team or crisis intervention team certified law enforcement officer--Voluntary resolution or placement. If any law enforcement officer or qualified mental health professional in a clinic or hospital has probable cause to believe that a person requires emergency nonmedical intervention pursuant to § 27A-10-1, as an alternative to a petition for commitment pursuant to chapter 27A-10, or apprehension and transfer to an appropriate regional facility pursuant to § 27A-10-3, the officer or qualified mental health professional may refer the person to ~~the direct supervision of~~ any member of a mobile crisis team or crisis intervention team certified law enforcement officer. If any member of the mobile crisis team or the crisis

intervention team certified law enforcement officer accepts ~~direct supervision of the person, in writing, in writing, by paper or electronically, either direct supervision of the person or direct engagement with the person by an electronic face-to-face real-time audio/video conference,~~ the member or officer may:

(1) Resolve the intervention on a voluntary basis, at the clinic or hospital, at the person's home, or other location, or with the assistance of any public or private community service that the patient is willing to accept. Any team member may request the assistance of law enforcement for the voluntary transfer of the person; or

(2) Direct that the law enforcement officer proceed with the apprehension of the person and transport the person to either:

(a) An appropriate regional facility for an emergency intervention and a mental illness examination as provided in § 27A-10-6; or

(b) An approved treatment facility offering detoxification services for chemical dependency emergencies as provided in §§ 34-20A-55 and 34-20A-56.

27A-10-23. Immunity from liability for crisis referral or placement--Exception. Any law enforcement officer or authority, or qualified mental health professional in a clinic or hospital, and the clinic or hospital, who in good faith transferred direct supervision of or direct engagement with a person to a mobile crisis team or a crisis intervention team certified law enforcement officer, is immune from any civil liability for such referral. Any member of a mobile crisis team or a crisis intervention team certified law enforcement officer, whose actions, in the engagement with, de-escalation, assessment, supervision, examination, or placement of a person in compliance with this section and §§ 27A-10-20 to 27A-10-22, inclusive, are taken in good faith, are immune from any civil liability for the engagement with, de-escalation, assessment, referral, supervision, examination, transfer, or placement of the person. The immunity from civil liability under this section and §§ 27A-10-20 to 27A-10-22, inclusive, does not apply if injury results from gross negligence or willful or wanton misconduct. Any law enforcement officer or authority who acts in compliance with subsection 27A-10-21(2)(b) and § 34-20A-57 is not criminally or civilly liable for the officer's or authority's actions.