

JAN 19 2024

A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1 SECTION 1. Section 334-121.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§334-121.5 Examination for assisted community treatment**
4 **indication.** A licensed psychiatrist or advanced practice
5 registered nurse with prescriptive authority and who holds an
6 accredited national certification in an advanced practice
7 registered nurse psychiatric specialization associated with the
8 licensed psychiatric facility where a person is located who was
9 committed to involuntary hospitalization, delivered for
10 emergency examination or emergency hospitalization, or
11 voluntarily admitted to inpatient treatment at a psychiatric
12 facility pursuant to part IV shall, before the person's
13 discharge, examine the person to determine whether an assisted
14 community treatment plan is indicated pursuant to this part. If
15 a plan is indicated, the psychiatrist or advanced practice
16 registered nurse shall prepare the certificate specified by
17 section 334-123 [~~and may request assistance from the department~~



1 ~~of the attorney general with the preparation and filing of a~~
2 ~~petition brought pursuant to section 334-123].~~ The department
3 of the attorney general shall assist with the preparation and
4 filing of any petition brought pursuant to this section and with
5 the presentation of the case at any related court proceedings;
6 provided that, if the petitioner is a private provider or other
7 private individual, the petitioner may decline the assistance.
8 The psychiatric facility may notify another mental health
9 program for assistance with the coordination of care in the
10 community for the person. Nothing in this section shall delay
11 the appropriate discharge of a person from the psychiatric
12 facility after the examination for assisted community treatment
13 indication has been completed."

14 SECTION 2. Section 334-123, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§334-123 Initiation of proceeding for assisted community**
17 **treatment.** (a) Any interested party may file a petition with
18 the family court alleging that another person meets the criteria
19 for assisted community treatment. The petition shall state:

20 (1) Each of the criteria under section 334-121 for
21 assisted community treatment;



1 (2) Petitioner's good faith belief that the subject of the
2 petition meets each of the criteria under section
3 334-121;

4 (3) Facts that support the petitioner's good faith belief
5 that the subject of the petition meets each of the
6 criteria under section 334-121; and

7 (4) That the subject of the petition is present within the
8 county where the petition is filed.

9 The hearing on the petition need not be limited to the
10 facts stated in the petition. The petition shall be executed
11 subject to the penalties of perjury but need not be sworn to
12 before a notary public.

13 (b) The department of the attorney general shall assist
14 with the preparation and filing of any petition brought pursuant
15 to this section and with the presentation of the case at any
16 related court proceedings; provided that, if the petitioner is a
17 private provider or other private individual, the petitioner may
18 decline the assistance.

19 ~~(b)~~ (c) The petition may be accompanied by a certificate
20 of a licensed psychiatrist or advanced practice registered nurse
21 with prescriptive authority and who holds an accredited national



1 certification in an advanced practice registered nurse
2 psychiatric specialization who has examined the subject of the
3 petition within twenty calendar days prior to the filing of the
4 petition. For purposes of the petition, an examination shall be
5 considered valid so long as the licensed psychiatrist or
6 advanced practice registered nurse with prescriptive authority
7 and who holds an accredited national certification in an
8 advanced practice registered nurse psychiatric specialization
9 has obtained enough information from the subject of the petition
10 to reach a diagnosis of the subject of the petition, and to
11 express a professional opinion concerning the same, even if the
12 subject of the petition is not fully cooperative. If the
13 petitioner believes that further evaluation is necessary before
14 treatment, the petitioner may request further evaluation.

15 [~~e~~] (d) The petition shall include the name, address,
16 and telephone number of at least one of the following persons in
17 the following order of priority: the subject of the petition's
18 spouse or reciprocal beneficiary, legal parents, adult children,
19 and legal guardian, if one has been appointed. If the subject
20 of the petition has no living spouse or reciprocal beneficiary,
21 legal parent, adult children, or legal guardian, or if none can



1 be found, the petition shall include the name, address, and
2 telephone number of at least one of the subject's closest adult
3 relatives, if any can be found."

4 SECTION 3. Section 334-133, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) Before the expiration of the period of assisted
7 community treatment ordered by the family court, any interested
8 party may file [~~, or may request the department of the attorney
9 general to file,~~] a petition with the family court for an order
10 of continued assisted community treatment. The department of
11 the attorney general shall assist with the preparation and
12 filing of any petition brought pursuant to this section and with
13 the presentation of the case at any related court proceedings;
14 provided that, if the petitioner is a private provider or other
15 private individual, the petitioner may decline the assistance.
16 The petition shall be filed, and unless the court determines the
17 existence of a guardian, a guardian ad litem appointed, and
18 notice provided in the same manner as under sections 334-123 and
19 334-125."



1 SECTION 4. Act 221, Session Laws of Hawaii 2013, as
2 amended by Act 114, Session Laws of Hawaii 2016, is amended by
3 amending section 24 to read as follows:

4 "SECTION 24. This Act shall take effect on January 1, 2014;
5 provided that:

- 6 (1) Petitions filed pursuant to section 334-123, Hawaii
7 Revised Statutes, for assisted community treatment
8 involving a designated mental health program that is a
9 state-operated provider shall not be filed until after
10 July 1, 2015;
- 11 (2) Any private provider wishing to file a petition
12 pursuant to section 334-123, Hawaii Revised Statutes,
13 for assisted community treatment may do so after
14 January 1, 2014, [~~using its own resources,~~] if the
15 petitioner is to be the designated mental health
16 program; [~~and~~]
- 17 (3) Any interested party wishing to file a petition
18 pursuant to section 334-123, Hawaii Revised Statutes,
19 for assisted community treatment may do so after
20 January 1, 2014, [~~using the party's own resources,~~] if



S.B. NO. 2382

Report Title:

AG; Mental Health; Assisted Community Treatment

Description:

Requires the Department of the Attorney General to assist with the preparation and filing of petitions for assisted community treatment and with the presentation of the case, unless declined by the petitioner.

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

