

JAN 20 2023

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The purpose of this Act is to increase the
2 likelihood that persons suffering from serious mental illness or
3 substance abuse will receive timely and appropriate care and
4 treatment by requiring certain patients subject to emergency
5 hospitalization to be assessed to determine whether a surrogate
6 or guardian is needed to make appropriate health care decisions
7 for the patient.

8 SECTION 2. Section 334-59, Hawaii Revised Statutes, is
9 amended by amending subsection (d) to read as follows:

10 "(d) Emergency hospitalization. If the psychiatrist or
11 advanced practice registered nurse [~~with~~] having prescriptive
12 authority and who holds an accredited national certification in
13 an advanced practice registered nurse psychiatric specialization
14 who performs [~~the~~] an emergency examination has reason to
15 believe that the patient is:

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

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



1 (3) In need of care or treatment, or both;
2 the psychiatrist or advanced practice registered nurse [~~with~~]
3 having prescriptive authority and who holds an accredited
4 national certification in an advanced practice registered nurse
5 psychiatric specialization shall direct that the patient be
6 hospitalized on an emergency basis or cause the patient to be
7 transferred to another psychiatric facility for emergency
8 hospitalization, or both. [~~The~~] Immediately upon admission, the
9 patient shall have the right [~~immediately upon admission~~] to
10 telephone the patient's guardian or a family member including a
11 reciprocal beneficiary, or an adult friend and an attorney. If
12 the patient declines to exercise that right, the staff of the
13 facility shall inform the adult patient of the right to waive
14 notification to the family, including a reciprocal beneficiary,
15 and shall make reasonable efforts to ensure that the patient's
16 guardian or family, including a reciprocal beneficiary, is
17 notified of the emergency admission [~~but~~]; provided that the
18 patient's family, including a reciprocal beneficiary, need not
19 be notified if the patient is an adult and requests that there
20 be no notification. The patient shall be allowed to confer with
21 an attorney in private.



1 A patient who is examined in an emergency department or
2 hospitalized on an emergency basis pursuant to this subsection,
3 diagnosed with a mental illness or substance use disorder
4 pursuant to subsection (b), and found to be lacking decisional
5 capacity by a psychiatrist or advanced practice registered nurse
6 having prescriptive authority and who holds an accredited
7 national certification in an advanced practice registered nurse
8 psychiatric specialization, shall be assessed to determine
9 whether a surrogate under section 327E-5 or a guardian under
10 article V of chapter 560 is needed to make appropriate health
11 care decisions for the patient."

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

15

INTRODUCED BY: _____



S.B. NO. 592

Report Title:

Emergency Hospitalizations; Mental Illness; Substance Use Disorders; Assessments; Surrogates; Guardians

Description:

Requires certain patients subject to emergency hospitalization to be assessed to determine whether a surrogate or guardian is needed to make appropriate health care decisions for the patient.

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