

JAN 20 2017

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# A BILL FOR AN ACT

RELATING TO ORDERS FOR TREATMENT OVER OBJECTION.

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

1           SECTION 1. Section 334E-2, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) Any patient in a psychiatric facility shall be  
4 afforded rights; and any psychiatric facility shall provide the  
5 rights to all patients; provided that when a patient is not able  
6 to exercise the patient's rights, the patient's legal guardian  
7 or legal representative shall have the authority to exercise the  
8 same on behalf of the patient. The rights shall include, but  
9 not be limited to, the following:

- 10           (1) Access to written rules and regulations with which the  
11           patient is expected to comply;
- 12           (2) Access to the facility's grievance procedure or to the  
13           department of health as provided in section 334-3;
- 14           (3) Freedom from reprisal;
- 15           (4) Privacy, respect, and personal dignity;
- 16           (5) A humane environment;



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- 1 (6) Freedom from discriminatory treatment based on race,
- 2 color, creed, national origin, age, and sex;
- 3 (7) A written treatment plan based on the individual
- 4 patient;
- 5 (8) Participation in the planning of the patient's
- 6 treatment plan;
- 7 (9) Refusal of treatment except in emergency situations or
- 8 where a court order or administrative order exists;
- 9 (10) Refusal to participate in experimentation;
- 10 (11) The choice of physician if the physician chosen
- 11 agrees;
- 12 (12) A qualified, competent staff;
- 13 (13) A medical examination before initiation of non-
- 14 emergency treatment;
- 15 (14) Confidentiality of the patient's records;
- 16 (15) Access to the patient's records;
- 17 (16) Knowledge of rights withheld or removed by a court or
- 18 by law;
- 19 (17) Physical exercise and recreation;
- 20 (18) Adequate diet;



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- 1       (19) Knowledge of the names and titles of staff members
- 2             with whom the patient has frequent contact;
- 3       (20) The right to work at the facility and fair
- 4             compensation for work done; provided that work is
- 5             available and is part of the patient's treatment plan;
- 6       (21) Visitation rights, unless the patient poses a danger
- 7             to self or others; provided that where visitation is
- 8             prohibited, the legal guardian or legal representative
- 9             shall be allowed to visit the patient upon request;
- 10       (22) Uncensored communication;
- 11       (23) Notice of and reasons for an impending transfer;
- 12       (24) Freedom from seclusion or restraint, except:
- 13             (A) When necessary to prevent injury to self or
- 14             others; or
- 15             (B) When part of the treatment plan; or
- 16             (C) When necessary to preserve the rights of other
- 17             patients or staff;
- 18       (25) Disclosure to a court, at an involuntary civil
- 19             commitment hearing, of all treatment procedures which
- 20             have been administered prior to the hearing;



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1           (26) Receipt by the patient and the patient's guardian or  
2                    legal guardian, if the patient has one, of this  
3                    enunciation of rights at the time of admission."

4           SECTION 2. New statutory material is underscored.

5           SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *Rossly H. Baker*



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**Report Title:**

Psychiatric Treatment; Administrative Order

**Description:**

Permits an administrative order to overcome a patient's objection to psychiatric treatment.

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

