
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 severe mental illness or
3 substance abuse will receive timely and appropriate care and
4 treatment, whether when brought to an emergency department for
5 evaluation, hospitalized in a psychiatric facility under an
6 emergency hospitalization or involuntary commitment order, or
7 while being considered for assisted community treatment.

8 SECTION 2. Section 334-1, Hawaii Revised Statutes, is
9 amended by amending the definition of "imminently dangerous to
10 self or others" to read as follows:

11 ""Imminently dangerous to self or others" means that,
12 without intervention, the person will likely become dangerous to
13 self or dangerous to others within the next [~~forty-five~~] ninety
14 days."

15 SECTION 3. Section 334-59, Hawaii Revised Statutes, is
16 amended by amending subsection (d) to read as follows:



1 "(d) Emergency hospitalization. If the psychiatrist or
2 advanced practice registered nurse [~~with~~] having prescriptive
3 authority and who holds an accredited national certification in
4 an advanced practice registered nurse psychiatric specialization
5 who performs [~~the~~] an emergency examination in a hospital has
6 reason to believe that the patient is:

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

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

9 (3) In need of care or treatment, or both;

10 the psychiatrist or advanced practice registered nurse [~~with~~]
11 having prescriptive authority and who holds an accredited
12 national certification in an advanced practice registered nurse
13 psychiatric specialization [~~shall~~] may direct that the patient
14 be hospitalized on an emergency basis or cause the patient to be
15 transferred to another psychiatric facility for emergency
16 hospitalization, or both. The patient shall have the right
17 immediately upon admission to telephone the patient's guardian
18 or a family member including a reciprocal beneficiary, or an
19 adult friend and an attorney. If the patient declines to
20 exercise that right, the staff of the facility shall inform the
21 adult patient of the right to waive notification to the family,



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1 including a reciprocal beneficiary, and shall make reasonable
2 efforts to ensure that the patient's guardian or family,
3 including a reciprocal beneficiary, is notified of the emergency
4 admission but the patient's family, including a reciprocal
5 beneficiary, need not be notified if the patient is an adult and
6 requests that there be no notification. The patient shall be
7 allowed to confer with an attorney in private.

8 A patient who is seen in an emergency department or
9 hospitalized on an emergency basis pursuant to this subsection,
10 diagnosed with a serious mental illness or severe substance use
11 disorder pursuant to subsection (b), and found to be lacking
12 decisional capacity by a psychiatrist, or by an advanced
13 practice registered nurse having prescriptive authority and who
14 holds an accredited national certification in an advanced
15 practice registered nurse psychiatric specialization, may be
16 involuntarily treated until a psychiatrist, or an advanced
17 practice registered nurse having prescriptive authority and who
18 holds an accredited national certification in an advanced
19 practice registered nurse psychiatric specialization, determines
20 that the patient has regained decisional capacity."

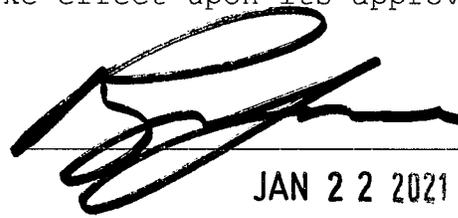


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1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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JAN 22 2021



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Report Title:

Mental Illness; Substance Abuse; "Imminently Dangerous"
Standard; Emergency Hospitalization

Description:

Amends the definition of "imminently dangerous to self or others". Authorizes the involuntary treatment of patients who are subject to emergency hospitalization, diagnosed with a serious mental illness or severe substance use disorder, and found to be lacking decisional capacity.

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