
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 severe substance abuse will receive timely and appropriate care
4 and treatment, whether when brought to an emergency department
5 for evaluation, hospitalized in a psychiatric facility under an
6 emergency hospitalization or involuntary commitment order, or
7 while being considered for assisted community treatment, by:
- 8 (1) Amending the definition of "imminently dangerous to
9 self or others";
- 10 (2) Authorizing the involuntary treatment of certain
11 patients subject to emergency hospitalization; and
- 12 (3) Requiring the assessment of certain patients subject
13 to emergency hospitalization to determine if a
14 surrogate or guardian needs to be appointed to make
15 appropriate health care decisions for the patient.



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

4 ""Imminently dangerous to self or others" means that,
5 without intervention, the person will likely become dangerous to
6 self or dangerous to others within the next [~~forty-five~~] ninety
7 days."

8 SECTION 3. 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

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

19 the psychiatrist or advanced practice registered nurse [~~with~~]
20 having prescriptive authority and who holds an accredited
21 national certification in an advanced practice registered nurse



1 psychiatric specialization [~~shall~~] may direct that the patient
2 be hospitalized on an emergency basis or cause the patient to be
3 transferred to another psychiatric facility for emergency
4 hospitalization, or both. The patient shall have the right
5 immediately upon admission to telephone the patient's guardian
6 or a family member including a reciprocal beneficiary, or an
7 adult friend and an attorney. If the patient declines to
8 exercise that right, the staff of the facility shall inform the
9 adult patient of the right to waive notification to the family,
10 including a reciprocal beneficiary, and shall make reasonable
11 efforts to ensure that the patient's guardian or family,
12 including a reciprocal beneficiary, is notified of the emergency
13 admission but the patient's family, including a reciprocal
14 beneficiary, need not be notified if the patient is an adult and
15 requests that there be no notification. The patient shall be
16 allowed to confer with an attorney in private.

17 Notwithstanding any law to the contrary, a patient who is
18 seen in an emergency department or hospitalized on an emergency
19 basis pursuant to this subsection, diagnosed with a serious
20 mental illness or severe substance use disorder pursuant to
21 subsection (b), and found to be lacking decisional capacity by a



1 psychiatrist, or by an advanced practice registered nurse having
2 prescriptive authority and who holds an accredited national
3 certification in an advanced practice registered nurse
4 psychiatric specialization, may be involuntarily treated for up
5 to thirty days, including through the use of long-term
6 injectable psychotropics, or until a psychiatrist, or an
7 advanced practice registered nurse having prescriptive authority
8 and who holds an accredited national certification in an
9 advanced practice registered nurse psychiatric specialization,
10 determines that the patient has regained decisional capacity,
11 whichever occurs first.

12 A patient who is seen in an emergency department or
13 hospitalized on an emergency basis pursuant to this subsection,
14 diagnosed with a serious mental illness or severe substance use
15 disorder pursuant to subsection (b), and found to be lacking
16 decisional capacity by a psychiatrist, or by 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, shall be
20 assessed to determine whether a surrogate under section 327E-5



1 or a guardian under article V of chapter 560 is needed to make
2 appropriate health care decisions for the patient."

3 SECTION 4. Section 334-161, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~{}~~§334-161~~{}~~ **Criteria for issuance of court or**
6 **administrative order for treatment over the patient's objection.**

7 ~~{(a)}~~ A patient who has been committed to a psychiatric
8 facility for involuntary hospitalization or who is in the
9 custody of the director and residing in a psychiatric facility
10 may be ordered to receive treatment over the patient's
11 objection, including the taking or application of medication, if
12 the court, or administrative panel through the administrative
13 authorization process established pursuant to section 334-162,
14 finds that:

- 15 (1) The patient suffers from a physical or mental disease,
16 disorder, or defect;
- 17 (2) The patient is imminently dangerous to self or others;
- 18 (3) The proposed treatment is medically appropriate; and
- 19 (4) After considering less intrusive alternatives,
20 treatment is necessary to forestall the danger posed
21 by the patient.



1 ~~[(b) For the purposes of this section, "imminently~~
2 ~~dangerous to self or others" means that, without intervention,~~
3 ~~the person will likely become dangerous to self or dangerous to~~
4 ~~others within the next forty-five days.]"~~

5 SECTION 5. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 6. This Act shall take effect on July 1, 2060.



Report Title:

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

Description:

Amends the definition of "imminently dangerous to self or others". Authorizes the involuntary treatment of up to thirty days 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. Requires assessment 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 to determine if a surrogate or guardian needs to be appointed to make appropriate health care decisions for the patient. Effective 7/1/2060. (HD2)

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