
A BILL FOR AN ACT

RELATING TO HEALTH.

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

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PART I

SECTION 1. The purpose of this part is to:

- (1) Authorize the provision of long-acting psychotropic medication to patients who are subject to emergency examination or emergency hospitalization;
- (2) Authorize a psychiatric facility or hospital where a patient is held to request the director of health to file a petition for an order for treatment over the patient's objection;
- (3) Require the director of health to review a request for such petition expeditiously and either pursue a petition or convene an administrative panel;
- (4) Expand who may join in a petition for a request for treatment over a patient's objection under certain circumstances; and
- (5) Expand the administration of treatment over a patient's objection to include persons who are in the



1 custody of the director of health at any hospital,
2 subject to a court order regarding fitness to proceed
3 for a criminal trial, subject of an application for
4 involuntary hospitalization, and subject to an
5 emergency examination.

6 SECTION 2. Section 334-59, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By amending subsection (b) to read:

9 "(b) Emergency examination. A patient who is delivered
10 for emergency examination and treatment to a psychiatric
11 facility or a behavioral health crisis center shall be provided
12 an examination, which shall include a screening to determine
13 whether the criteria for involuntary hospitalization listed in
14 section 334-60.2 persists, by a licensed physician, medical
15 resident under the supervision of a licensed physician, or
16 advanced practice registered nurse without unnecessary delay,
17 and shall be provided such treatment as is indicated by good
18 medical practice[-], which may include long-acting psychotropic
19 medication. If, after the examination, screening, and
20 treatment, the licensed physician, medical resident under the
21 supervision of a licensed physician, or advanced practice



1 registered nurse determines that the involuntary hospitalization
2 criteria persist, then a psychiatrist or advanced practice
3 registered nurse who has prescriptive authority and who holds an
4 accredited national certification in an advanced practice
5 registered nurse psychiatric specialization shall further
6 examine the patient to diagnose the presence or absence of a
7 mental illness or substance use disorder, further assess the
8 risk that the patient may be dangerous to self or others, and
9 assess whether or not the patient needs to be hospitalized. The
10 psychiatric facility or hospital where the patient is held may
11 request the director to file a petition for an order for
12 treatment over the patient's objection. The request for
13 petition shall include supporting information. The director
14 shall review such request expeditiously and if the request
15 appears to satisfy the four factors in section 334-161, the
16 director shall file and pursue a petition to request an order
17 for treatment over the patient's objection as soon as possible
18 in court or, upon request by the facility or hospital, convene
19 an administrative panel pursuant to section 334-162. If it is
20 determined that hospitalization is not needed, an examination
21 pursuant to section 334-121.5 shall be completed."



1 2. By amending subsection (d) to read:

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

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

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

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

11 the psychiatrist or advanced practice registered nurse with
12 prescriptive authority and who holds an accredited national
13 certification in an advanced practice registered nurse
14 psychiatric specialization shall direct that the patient be
15 hospitalized on an emergency basis or cause the patient to be
16 transferred to another psychiatric facility for emergency
17 hospitalization, or both. The psychiatric facility or hospital
18 where the patient is held may seek an order to treat pursuant to
19 section 334-162 to provide treatment as is indicated by good
20 medical practice, which may include long-acting psychotropic
21 medication. The patient shall have the right immediately upon



1 admission to telephone the patient's guardian or a family member
2 including a reciprocal beneficiary, or an adult friend and an
3 attorney. If the patient declines to exercise that right, the
4 staff of the facility shall inform the adult patient of the
5 right to waive notification to the family, including a
6 reciprocal beneficiary, and shall make reasonable efforts to
7 ensure that the patient's guardian or family, including a
8 reciprocal beneficiary, is notified of the emergency admission
9 but the patient's family, including a reciprocal beneficiary,
10 need not be notified if the patient is an adult and requests
11 that there be no notification. The patient shall be allowed to
12 confer with an attorney in private."

13 SECTION 3. Section 334-60.3, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) Any person may file a petition alleging that a person
16 located in the county meets the criteria for commitment to a
17 psychiatric facility. The petition shall be executed subject to
18 the penalties of perjury but need not be sworn to before a
19 notary public. The attorney general, the attorney general's
20 deputy, special deputy, or appointee designated to present the
21 case shall assist the petitioner to state the substance of the



1 petition in plain and simple language. The petition may be
2 accompanied by a certificate of the licensed physician, advanced
3 practice registered nurse, or psychologist who has examined the
4 person within two days before submission of the petition, unless
5 the person whose commitment is sought has refused to submit to
6 medical or psychological examination, in which case the fact of
7 refusal shall be alleged in the petition. The certificate shall
8 set forth the signs and symptoms relied upon by the physician,
9 advanced practice registered nurse, or psychologist to determine
10 the person is in need of care or treatment, or both, and whether
11 the person is capable of realizing and making a rational
12 decision with respect to the person's need for treatment. If
13 the petitioner believes that further evaluation is necessary
14 before commitment, the petitioner may request such further
15 evaluation. If the petitioner believes that treatment over
16 objection is necessary before or during commitment, the
17 petitioner may join in the petition for a request for treatment
18 pursuant to section 334-161."

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



1 "[\+]§334-161[\+] Criteria for issuance of court or
2 administrative order for treatment over the patient's objection.

3 (a) A patient who has been committed to a psychiatric facility
4 for involuntary hospitalization [~~or who~~]; is in the custody of
5 the director and residing in a psychiatric facility or hospital;
6 is subject to a court order under section 704-406(1); is
7 transported to a psychiatric facility pursuant to a petition for
8 emergency admission pursuant to section 334-59(a); or is
9 delivered to a psychiatric facility or a behavioral health
10 crisis center for an emergency examination under section 334-
11 59(b) may be ordered to receive treatment over the patient's
12 objection, including the taking or application of medication, if
13 the court, or administrative panel through the administrative
14 authorization process established pursuant to section 334-162,
15 finds that:

16 (1) The patient suffers from a physical or mental disease,
17 disorder, or defect;

18 (2) The patient is imminently dangerous to self or others;

19 (3) The proposed treatment is medically appropriate; and



1 (4) After considering less intrusive alternatives,
2 treatment is necessary to forestall the danger posed
3 by the patient.

4 (b) For the purposes of this section, "imminently
5 dangerous to self or others" means that, without intervention,
6 the person will likely become dangerous to self or dangerous to
7 others within the next forty-five days.

8 (c) A psychiatric facility or hospital may request the
9 director to file a petition for an order for treatment over the
10 patient's objection. The request for petition shall include
11 supporting information. The director shall review the request
12 expeditiously and if the request appears to satisfy the four
13 factors in subsection (a), the director shall file and pursue a
14 petition to request an order for treatment over the patient's
15 objection as soon as possible in court, or upon request by the
16 facility or hospital, convene an administrative panel pursuant
17 to section 334-162.

18 (d) If the director does not file and expeditiously pursue
19 a request made pursuant to subsection (c), the psychiatric
20 facility or hospital may file a petition in its own name for an
21 order for treatment over the patient's objection. The petition



1 may be filed in court or may request the director to convene an
2 administrative panel pursuant to section 334-162.

3 (e) When involuntary commitment of the person is
4 additionally sought pursuant to section 334-60.3, the petitioner
5 shall combine the petition for involuntary commitment with the
6 petition for an order for treatment over the patient's objection
7 to reduce the time the patient is involuntarily hospitalized
8 without treatment.

9 (f) The court or administrative panel shall set a hearing
10 date on a petition, and any subsequent hearing dates, as soon as
11 possible. Unless exigent circumstances exist, the court or
12 administrative panel shall file a final order on the petition
13 within thirty days after the petition is filed."

14 SECTION 5. Section 334-162, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"[+]§334-162[+] Criteria for administrative**
17 **authorization process.** (a) A patient who is in the custody of
18 the director and in a psychiatric facility or hospital; is the
19 subject to a court order under section 704-406(1); or is
20 subject to a petition for involuntary hospitalization under
21 section 334-59(d) may be ordered to receive medical treatment



1 over the patient's objection through an administrative
2 authorization process that includes the following due process
3 safeguards:

4 (1) The [~~facility~~] director shall give notice to the
5 patient of the authorization process and the reasons
6 for initiating the process;

7 (2) The administrative panel shall consist of three
8 members with relevant clinical training and
9 experience, and who are not involved with the current
10 treatment of the patient;

11 (3) The patient shall have the right to attend the
12 hearing, receive assistance from an advisor, cross
13 examine witnesses, and present testimony, exhibits,
14 and witnesses; and

15 (4) The patient shall have the right to appeal the
16 decision of the administrative panel.

17 (b) An administrative panel shall be convened by the
18 director as soon as possible following a request from a
19 psychiatric facility or hospital for an administrative order to
20 treat a patient who appears to meet the standards for an order
21 of treatment pursuant to section 334-161(a).



1 (5) Authorizes the subject of a petition to stipulate to
2 the proposed order for treatment and the family court
3 to enter the stipulated order without an evidentiary
4 hearing; and

5 (6) Requires the department of health to report to the
6 legislature prior to the regular session of 2025 on
7 the number of requests for petitions for assisted
8 community treatment submitted to the director of
9 health.

10 SECTION 7. Section 334-121.5, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "[+]§334-121.5[+] **Examination for assisted community**
13 **treatment indication.** A licensed psychiatrist or advanced
14 practice registered nurse with prescriptive authority and who
15 holds an accredited national certification in an advanced
16 practice registered nurse psychiatric specialization associated
17 with the licensed psychiatric facility where a person is located
18 who was committed to involuntary hospitalization, delivered for
19 emergency examination or emergency hospitalization, or
20 voluntarily admitted to inpatient treatment at a psychiatric
21 facility pursuant to part IV shall, prior to the person's



1 discharge, examine the person to determine whether an assisted
2 community treatment plan is indicated pursuant to this part. If
3 a plan is indicated, the psychiatrist or advanced practice
4 registered nurse shall prepare the certificate specified by
5 section 334-123[-] or request the director to file a petition
6 under section 334-123 and assist with the certificate specified
7 by section 334-123. The psychiatric facility may notify another
8 mental health program for assistance with the coordination of
9 care in the community for the person. Nothing in this section
10 shall delay the appropriate discharge of a person from the
11 psychiatric facility after the examination for assisted
12 community treatment indication has been completed."

13 SECTION 8. Section 334-123, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§334-123 Initiation of proceeding for assisted community**
16 **treatment.** (a) Any interested party may file, or request the
17 director to file, a petition with the family court alleging that
18 another person meets the criteria for assisted community
19 treatment. The interested party shall be responsible for
20 providing information to the director to support the petition.
21 The director shall review the request as expeditiously as



1 possible upon receipt of the request and, if the request
 2 satisfies the requirements of subsection (b), shall file a
 3 petition to request assisted community treatment
 4 within _____ days of the request. The interested party shall
 5 have the right to bring a petition on their own behalf if the
 6 director has not filed a petition within _____ days.

7 (b) The petition shall state:

- 8 (1) Each of the criteria under section 334-121 for
- 9 assisted community treatment;
- 10 (2) Petitioner's good faith belief that the subject of the
- 11 petition meets each of the criteria under section 334-
- 12 121;
- 13 (3) Facts that support the petitioner's good faith belief
- 14 that the subject of the petition meets each of the
- 15 criteria under section 334-121; and
- 16 (4) That the subject of the petition is present within the
- 17 county where the petition is filed.

18 The hearing on the petition need not be limited to the
 19 facts stated in the petition. The petition shall be executed
 20 subject to the penalties of perjury but need not be sworn to
 21 before a notary public.



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

18 [~~(e)~~] (d) The petition shall include the name, address,
19 and telephone number of at least one of the following persons in
20 the following order of priority: the subject of the petition's
21 spouse or reciprocal beneficiary, legal parents, adult children,



1 and legal guardian, if one has been appointed. If the subject
2 of the petition has no living spouse or reciprocal beneficiary,
3 legal parent, adult children, or legal guardian, or if none can
4 be found, the petition shall include the name, address, and
5 telephone number of at least one of the subject's closest adult
6 relatives, if any can be found."

7 SECTION 9. Section 334-124, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§334-124 Hearing date.** The family court shall set a
10 hearing date on a petition, and any subsequent hearing dates for
11 the petition, as soon as possible. Unless exigent circumstances
12 exist, the court shall endeavor to file a final order on the
13 petition within thirty days of the date the petition is filed."

14 SECTION 10. Section 334-126, Hawaii Revised Statutes, is
15 amended by amending subsections (c) and (d) to read as follows:

16 "(c) Hearings may be held at any convenient place within
17 the circuit. The subject of the petition, any interested party,
18 or the family court upon its own motion may request a hearing in
19 another court because of inconvenience to the parties,
20 witnesses, or the family court or because of the subject's
21 physical or mental condition. The court may use online hearings



1 to accommodate the needs of the parties and witnesses, in
2 accordance with family court rules.

3 (d) The hearing shall be closed to the public, unless the
4 subject of the petition requests otherwise. Individuals
5 entitled to notice are entitled to be present in the courtroom
6 or other approved location for the hearing and to receive a copy
7 of the hearing transcript or recording, unless the court
8 determines that the interests of justice require otherwise."

9 SECTION 11. Section 334-127, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§334-127 Disposition.** (a) If after hearing all relevant
12 evidence, including the results of any diagnostic examination
13 ordered by the family court, the family court finds that the
14 subject of the petition does not meet the criteria for assisted
15 community treatment, the family court shall dismiss the
16 petition. Notice of the dismissal shall be provided to those
17 persons entitled to notice pursuant to section 334-125.

18 (b) If after hearing all relevant evidence, including the
19 results of any diagnostic examination ordered by the family
20 court, the family court finds that the criteria for assisted
21 community treatment under section 334-121(1) have been met



1 beyond a reasonable doubt and that the criteria under section
2 334-121(2) to 334-121(4) have been met by clear and convincing
3 evidence, the family court shall order the subject to obtain
4 assisted community treatment for a period of no more than one
5 year. The written treatment plan submitted pursuant to section
6 334-126(g) shall be attached to the order and made a part of the
7 order.

8 If the family court finds by clear and convincing evidence
9 that the beneficial mental and physical effects of recommended
10 medication outweigh the detrimental mental and physical effects,
11 if any, the order may authorize types or classes of medication
12 to be included in treatment at the discretion of the treating
13 psychiatrist or advanced practice registered nurse with
14 prescriptive authority and who holds an accredited national
15 certification in an advanced practice registered nurse
16 psychiatric specialization.

17 The court order shall also state who should receive notice
18 of intent to discharge early in the event that the treating
19 psychiatrist or advanced practice registered nurse with
20 prescriptive authority and who holds an accredited national
21 certification in an advanced practice registered nurse



1 psychiatric specialization determines, prior to the end of the
2 court ordered period of treatment, that the subject should be
3 discharged early from assisted community treatment.

4 Notice of the order shall be provided to the director, the
5 interested party who filed or requested the petition, and those
6 persons entitled to notice pursuant to section 334-125.

7 (c) The family court shall also designate on the order the
8 treating psychiatrist or advanced practice registered nurse with
9 prescriptive authority and who holds an accredited national
10 certification in an advanced practice registered nurse
11 psychiatric specialization who is to be responsible for the
12 management and supervision of the subject's treatment, or shall
13 assign an administrator of a designated mental health program
14 to, in turn, designate the treating psychiatrist or advanced
15 practice registered nurse with prescriptive authority and who
16 holds an accredited national certification in an advanced
17 practice registered nurse psychiatric specialization during the
18 treatment period without court approval, and may designate
19 either a publicly employed psychiatrist or advanced practice
20 registered nurse with prescriptive authority and who holds an
21 accredited national certification in an advanced practice



1 registered nurse psychiatric specialization, or a private
2 psychiatrist or advanced practice registered nurse with
3 prescriptive authority and who holds an accredited national
4 certification in an advanced practice registered nurse
5 psychiatric specialization; provided that the private
6 psychiatrist or advanced practice registered nurse with
7 prescriptive authority and who holds an accredited national
8 certification in an advanced practice registered nurse
9 psychiatric specialization shall agree to the designation. The
10 order for assisted community treatment shall be subject to the
11 Health Care Privacy Harmonization Act, chapter 323B.

12 (d) Nothing in this section shall preclude the subject's
13 stipulation to the continuance [+]of[+] an existing court order.

14 (e) The subject may stipulate to a petition for assisted
15 community treatment if the subject is provided a proposed order
16 for community assisted treatment, including the proposed
17 treatment plan, either at the time the petition is filed or
18 prior to entry of the court's order on the petition. If the
19 subject stipulates to the proposed order, including the proposed
20 treatment plan, by signing the proposed order, then the court
21 may enter the stipulated order without undergoing an evidentiary



1 hearing, unless the guardian ad litem objects to entry of an
2 order without an evidentiary hearing."

3 SECTION 12. Section 334-131, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) The notice shall be filed with the family court which
6 issued the order for assisted community treatment, and served by
7 personal service or by certified mail on the interested party
8 who filed or requested the petition and those persons whom the
9 order for assisted community treatment specifies as entitled to
10 receive notice."

11 SECTION 13. Section 334-133, Hawaii Revised Statutes, is
12 amended as follows:

13 1. By amending subsection (a) to read:

14 "(a) Before the expiration of the period of assisted
15 community treatment ordered by the family court, any interested
16 party may file, or may request the director to file, a petition
17 with the family court for an order of continued assisted
18 community treatment. The petition shall be filed, and unless
19 the court determines the existence of a guardian, a guardian ad
20 litem appointed, and notice provided in the same manner as under
21 sections 334-123 and 334-125."



Report Title:

DOH; Administration of Treatment Over the Patient's Objection;
Emergency Examination and Hospitalization; Long-acting
Psychotropic Medication; Assisted Community Treatment;
Interested Parties; Director of Health; Petitions

Description:

Part I: Authorizes the provision of long-acting psychotropic medication to patients who are subject to emergency examination or hospitalization. Authorizes a psychiatric facility or hospital where a patient is held to request the director of health to file a petition for an order for treatment over the patient's objection. Requires the director of health to review the request expeditiously and pursue a petition or convene an administrative panel. Expands who may join in such petition under certain circumstances. Expands the administration of treatment over a patient's objection to include persons in the custody of the director of health at any hospital, or subject to a court order regarding fitness to proceed, an application for involuntary hospitalization, or an emergency examination. Sunsets 7/1/2026. Part II: Authorizes psychiatrists or advanced practice registered nurses, after examination of a person for ACT indication, to request the director of health to file an ACT petition and interested parties to request the director to file an ACT petition on behalf of the interested party. Requires the family court to file final orders on ACT petitions within thirty days. Authorizes the family court to use online hearings for ACT petitions. Authorizes the subject of a petition to stipulate to the proposed order and the family court to enter the stipulated order without an evidentiary hearing. Requires DOH to report to the legislature. Effective 6/30/3000. (HD1)

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

