
A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

- 1 SECTION 1. The purpose of this Act is to more effectively
2 protect mentally ill individuals and the public by:
- 3 (1) Amending the definition of "dangerous to self" to mean
4 the person:
- 5 (A) Recently has threatened or attempted suicide or
6 serious bodily harm; or
- 7 (B) Is gravely disabled;
- 8 (2) Defining the terms "gravely disabled" and "psychiatric
9 deterioration";
- 10 (3) Broadening the term of "imminently dangerous to self
11 and others" to persons who will likely be dangerous
12 within the next ninety days, rather than within the
13 next forty-five days; and
- 14 (4) Increasing the maximum period of emergency
15 hospitalization from forty-eight hours to seventy-two
16 hours.



1 SECTION 2. Section 334-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding two new definitions to be appropriately
4 inserted and to read:

5 "Gravely disabled" means a condition in which a person is
6 unable, without supervision and the assistance of others, to
7 prevent physical or psychiatric deterioration or to satisfy the
8 need for nourishment, essential medical care including treatment
9 for a mental illness, shelter, or self-protection, so that it is
10 probable that death, substantial bodily injury, or serious
11 physical debilitation or disease will result unless adequate
12 treatment is afforded.

13 "Psychiatric deterioration" means a substantial impairment
14 or an obvious decline of an individual's judgment, reasoning, or
15 ability to control behavior."

16 2. By amending the definition of "dangerous to self" to
17 read:

18 "Dangerous to self" means the person [~~recently has~~]:

19 (1) [~~Threatened~~] Recently has threatened or attempted
20 suicide or serious bodily harm; or



1 (2) ~~[Behaved in such a manner as to indicate that the~~
2 ~~person is unable, without supervision and the~~
3 ~~assistance of others, to satisfy the need for~~
4 ~~nourishment, essential medical care, including~~
5 ~~treatment for a mental illness, shelter or self-~~
6 ~~protection, so that it is probable that death,~~
7 ~~substantial bodily injury, or serious physical~~
8 ~~debilitation or disease will result unless adequate~~
9 ~~treatment is afforded.] Is gravely disabled."~~

10 3. By amending the definition of "imminently dangerous to
11 self or others" to read:

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

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

18 "(d) Emergency hospitalization. If the psychiatrist or
19 advanced practice registered nurse with prescriptive authority
20 and who holds an accredited national certification in an
21 advanced practice registered nurse psychiatric specialization



1 who performs the emergency examination has reason to believe
2 that the patient is:

- 3 (1) Mentally ill or suffering from substance abuse;
- 4 (2) Imminently dangerous to self or others; and
- 5 (3) In need of care or treatment, or both;

6 the 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 direct that the patient be
10 hospitalized on an emergency basis or cause the patient to be
11 transferred to another psychiatric facility for emergency
12 hospitalization, or both. The patient shall have the right,
13 immediately upon admission, to telephone the patient's guardian
14 [~~or~~], a family member [~~including~~], a reciprocal beneficiary, or
15 an adult friend, and an attorney. If the patient declines to
16 exercise that right, the staff of the facility shall inform the
17 adult patient of the right to waive notification to the
18 patient's guardian, family [~~, including a~~] member, or reciprocal
19 beneficiary, and shall make reasonable efforts to ensure that
20 the patient's guardian [~~or~~], family [~~, including a~~] member, or
21 reciprocal beneficiary [~~,~~] is notified of the emergency admission



1 ~~[but]~~; provided that the patient's family~~[, including a]~~ member,
2 or reciprocal beneficiary~~[,]~~ need not be notified if the patient
3 is an adult and requests that there be no notification. The
4 patient shall be allowed to confer with an attorney in private.

5 (e) Release from emergency hospitalization. If at any
6 time during the period of emergency hospitalization the treating
7 physician determines that the patient no longer meets the
8 criteria for emergency hospitalization and the examination
9 pursuant to section 334-121.5 has been completed, the physician
10 shall expediently discharge the patient. If the patient is
11 under criminal charges, the patient shall be returned to the
12 custody of a law enforcement officer. In any event, the patient
13 shall be released within ~~[forty-eight]~~ seventy-two hours of the
14 patient's admission to a psychiatric facility, unless the
15 patient voluntarily agrees to further hospitalization, or a
16 proceeding for court-ordered evaluation or hospitalization, or
17 both, is initiated as provided in section 334-60.3. If that
18 time expires on a Saturday, Sunday, or holiday, the time for
19 initiation is extended to the close of the next court day. Upon
20 initiation of the proceedings, the facility shall be authorized
21 to detain the patient until further order of the court."



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

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

6 SECTION 6. This Act shall take effect upon its approval.

7

INTRODUCED BY:



JAN 20 2023



H.B. NO. 421

Report Title:

Mental Illness; Emergency Hospitalization; Criteria

Description:

Amends the definition of "dangerous to self" as used in State law governing mental health, mental illness, drug addiction, and alcoholism. Defines the terms "gravely disabled" and "psychiatric deterioration". Broadens the term of "imminently dangerous to self and others" to persons who will likely be dangerous to self or to others within the next ninety days, rather than within the next forty-five days. Increases the maximum period of emergency hospitalization from forty-eight hours to seventy-two hours.

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

