JAN 1 9 2024

## A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

SECTION 1. Section 334-121.5, Hawaii Revised Statutes, is
amended to read as follows:

3 "§334-121.5 Examination for assisted community treatment 4 indication. A licensed psychiatrist or advanced practice 5 registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice 6 7 registered nurse psychiatric specialization associated with the 8 licensed psychiatric facility where a person is located who was 9 committed to involuntary hospitalization, delivered for emergency examination or emergency hospitalization, or 10 11 voluntarily admitted to inpatient treatment at a psychiatric 12 facility pursuant to part IV shall, before the person's 13 discharge, examine the person to determine whether an assisted 14 community treatment plan is indicated pursuant to this part. If 15 a plan is indicated, the psychiatrist or advanced practice 16 registered nurse shall prepare the certificate specified by 17 section 334-123 [and may request assistance from the department

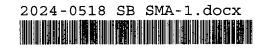


Page 2

1	of the attorney general with the preparation and filing of a
2	petition brought pursuant to section 334-123]. The department
3	of the attorney general shall assist with the preparation and
4	filing of any petition brought pursuant to this section and with
5	the presentation of the case at any related court proceedings;
6	provided that, if the petitioner is a private provider or other
7	private individual, the petitioner may decline the assistance.
8	The psychiatric facility may notify another mental health
9	program for assistance with the coordination of care in the
10	community for the person. Nothing in this section shall delay
11	the appropriate discharge of a person from the psychiatric
12	facility after the examination for assisted community treatment
13	indication has been completed."
14	SECTION 2. Section 334-123, Hawaii Revised Statutes, is
15	amended to read as follows:
16	"§334-123 Initiation of proceeding for assisted community
17	<b>treatment.</b> (a) Any interested party may file a petition with
18	the family court alleging that another person meets the criteria
19	for assisted community treatment. The petition shall state:
20	(1) Each of the criteria under section 334-121 for

21

assisted community treatment;



Page 3

# S.B. NO. 2382

1	(2)	Petitioner's good faith belief that the subject of the	
2		petition meets each of the criteria under section	
3		334-121;	
4	(3)	Facts that support the petitioner's good faith belief	
5		that the subject of the petition meets each of the	
6		criteria under section 334-121; and	
7	(4)	That the subject of the petition is present within the	
8		county where the petition is filed.	
9	The	hearing on the petition need not be limited to the	
10	facts sta	ted in the petition. The petition shall be executed	
11	subject to the penalties of perjury but need not be sworn to		
12	before a	notary public.	
13	(b)	The department of the attorney general shall assist	
14	with the	preparation and filing of any petition brought pursuant	
15	to this s	ection and with the presentation of the case at any	
16	related c	ourt proceedings; provided that, if the petitioner is a	
17	private provider or other private individual, the petitioner may		
18	decline t	he assistance.	
19	[ <del>-(b)</del> -	] $(c)$ The petition may be accompanied by a certificate	
20	of a lice	nsed psychiatrist or advanced practice registered nurse	
21	with pres	criptive authority and who holds an accredited national	



Page 4

## S.B. NO. 2382

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

16 and telephone number of at least one of the following persons in 17 the following order of priority: the subject of the petition's 18 spouse or reciprocal beneficiary, legal parents, adult children, 19 and legal guardian, if one has been appointed. If the subject 20 of the petition has no living spouse or reciprocal beneficiary, 21 legal parent, adult children, or legal guardian, or if none can



Page 5

#### S.B. NO. 2382

1 be found, the petition shall include the name, address, and 2 telephone number of at least one of the subject's closest adult 3 relatives, if any can be found." 4 SECTION 3. Section 334-133, Hawaii Revised Statutes, is 5 amended by amending subsection (a) to read as follows: 6 "(a) Before the expiration of the period of assisted 7 community treatment ordered by the family court, any interested 8 party may file [, or may request the department of the attorney 9 general to file,] a petition with the family court for an order 10 of continued assisted community treatment. The department of 11 the attorney general shall assist with the preparation and 12 filing of any petition brought pursuant to this section and with 13 the presentation of the case at any related court proceedings; 14 provided that, if the petitioner is a private provider or other 15 private individual, the petitioner may decline the assistance. 16 The petition shall be filed, and unless the court determines the 17 existence of a guardian, a guardian ad litem appointed, and 18 notice provided in the same manner as under sections 334-123 and 19 334-125."

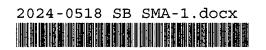


1 SECTION 4. Act 221, Session Laws of Hawaii 2013, as 2 amended by Act 114, Session Laws of Hawaii 2016, is amended by 3 amending section 24 to read as follows: 4 "SECTION 24. This Act shall take effect on January 1, 2014; 5 provided that: 6 (1) Petitions filed pursuant to section 334-123, Hawaii 7 Revised Statutes, for assisted community treatment 8 involving a designated mental health program that is a 9 state-operated provider shall not be filed until after 10 July 1, 2015; 11 (2) Any private provider wishing to file a petition pursuant to section 334-123, Hawaii Revised Statutes, 12 13 for assisted community treatment may do so after 14 January 1, 2014, [using its own resources,] if the 15 petitioner is to be the designated mental health 16 program; [and] 17 (3) Any interested party wishing to file a petition 18 pursuant to section 334-123, Hawaii Revised Statutes, 19 for assisted community treatment may do so after 20 January 1, 2014, [using the party's own resources,] if



Page 6

1		the designated mental health program is a private
2		<pre>provider[-]; and</pre>
3	(4)	After July 1, 2024, the department of the attorney
4		general shall assist with the preparation and filing
5		of any petition brought pursuant to sections 334-123,
6		334-121.5, and 334-133, Hawaii Revised Statutes, and
7		with the presentation of the case at any related court
8		proceedings; provided further that if the petitioner
9		is a private provider or other private individual, the
10		petitioner may decline the assistance."
11	SECT	ION 5. Statutory material to be repealed is bracketed
12	and stric	ken. New statutory material is underscored.
13	SECT	TON 6. This Act shall take effect upon its approval.
14		
		INTRODUCED BY:



Report Title: AG; Mental Health; Assisted Community Treatment

#### Description:

Requires the Department of the Attorney General to assist with the preparation and filing of petitions for assisted community treatment and with the presentation of the case, unless declined by the petitioner.

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