

A Bill for an Act Relating to Mental Health.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
RIGHTS OF RECIPIENTS OF MENTAL HEALTH SERVICES**

Sec. -1 Informed consent. (a) Before any non-emergency treatment for mental illness can commence, informed consent, as required by section 671-3, Hawaii Revised Statutes, and as defined by the Board of Medical Examiners pursuant to the authority vested in it by that section, shall be obtained from the patient, or the patient’s guardian, if the patient is not competent to give informed consent.

(b) A signed consent form reflecting the proceeding shall be obtained and maintained as part of the patient’s record.

Sec. -2 Rights of in-patients. Any patient in a licensed psychiatric facility may be afforded the following rights, as provided by the institution. All such rights of in-patients are to be qualified by reasonableness, in view of the circumstances and the availability of resources and are to include but not be limited to the following:

- (1) Access to written rules and regulations with which the patient is expected to comply;
- (2) Access to the facility’s grievance procedure;
- (3) Privacy, respect, and personal dignity;
- (4) A humane environment;
- (5) Freedom from discriminatory treatment based on race, color, creed, national origin, age, and sex;
- (6) Uncensored communication;
- (7) The choice of physician if the physician chosen agrees;
- (8) Appropriate treatment and care;

- (9) A qualified, competent staff;
- (10) A medical examination before initiation of non-emergency treatment;
- (11) Participation in the treatment plan;
- (12) Knowledge of rights withheld or removed by a court or by law;
- (13) Physical exercise and recreation;
- (14) Adequate diet;
- (15) Knowledge of the names and titles of staff members with whom the patient has frequent contact;
- (16) The right to work and fair compensation for work done;
- (17) Notice of and reasons for an impending transfer;
- (18) Freedom from seclusion or restraint, except:
 - (A) When necessary to prevent injury to self or others; or
 - (B) When part of the treatment plan; or
 - (C) When necessary to preserve the rights of other patients or staff;
- (19) Disclosure to a court, at an involuntary civil commitment hearing, of all treatment procedures which have been administered prior to the hearing;
- (20) Receipt by the patient and his guardian, if he has one, of this enunciation of rights.”

SECTION 2. This Act shall take effect upon its approval.

(Approved June 16, 1980.)