

ACT 158

H.B. NO. 890

A Bill for an Act Relating to Mental Health.

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

SECTION 1. Chapter 334E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§334E- Investigation procedures. (a) In an investigation pursuant to section 334E-2(c), the department of health may:

- (1) Make inquiries and obtain information as deemed necessary;
 - (2) Enter without notice to inspect the premises of a psychiatric facility; provided that such entry shall be authorized by the department in writing and that such authorization shall be furnished upon entry to the person in charge of the facility; and
 - (3) Hold private hearings.
- (b) The department of health shall maintain secrecy in respect to all matters including the identities of the complainants or witnesses, except so

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far as disclosures may be necessary to enable it to carry out duties and to support recommendations.”

SECTION 2. Chapter 334E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§334E- Powers. Subject to the privileges which witnesses have in the courts of this State, the department of health in an investigation pursuant to section 334E-2(c) may:

- (1) Compel at a specified time and place, by a subpoena, the appearance and sworn testimony of any person who the department of health reasonably believes may be able to give information relating to a matter under investigation; and
- (2) Compel any person to produce documents, papers, or objects which the department of health reasonably believes may relate to a matter under investigation.

The department of health may bring suit in an appropriate state court to enforce these powers.”

SECTION 3. Chapter 334E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§334E- Penalty for obstruction. A person who wilfully hinders the lawful actions of the department of health pursuant to an investigation carried out under section 334E-2(c), or wilfully refuses to comply with its lawful demands, may be fined up to \$1,000.”

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved June 5, 1987.)

Note

1. Edited pursuant to HRS §23G-16.5.