

ACT 156

H.B. NO. 1723

A Bill for an Act Relating to Psychiatric Facilities.

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

SECTION 1. Section 334-60.7, Hawaii Revised Statutes, is amended to read as follows:

“§334-60.7 Notice of intent to discharge. [When] (a) For civil commitments that result directly from legal proceedings under chapters 704 and 706, when the administrator or attending physician of a psychiatric facility contemplates discharge of an involuntary patient because of expiration of the court order for commitment or because the patient is no longer a proper subject for commitment, as determined by the criteria for involuntary hospitalization in section 334-60.2, the administrator or attending physician shall provide notice of intent to discharge, or if the patient voluntarily agrees to further hospitalization, the administrator shall provide notice of the patient’s admission to voluntary inpatient treatment. The following requirements and procedures shall apply:

- (1) The notice and a certificate of service shall be filed with the family court and served [personally or by certified-mail] on those persons whom the order of commitment specifies as entitled to receive notice[-], by mail at the person’s last known address. Notice shall also be sent to the prosecuting attorney of the county from which the person was originally committed, by facsimile or electronically, for the sole purpose of victim notification;
- (2) Any person specified as entitled to receive notice may waive this right in writing with the psychiatric facility;
- (3) If no objection is filed within [three] five calendar days of [service,] mailing the notice, the administrator or attending physician of the psychiatric facility shall discharge the patient or accept the patient for voluntary inpatient treatment[-];
- (4) If any person specified as entitled to receive notice files a written objection, with a certificate of service, to the discharge or to the patient’s admission to voluntary inpatient treatment on the grounds that the patient is a proper subject for commitment, the family court shall conduct a hearing as soon as possible, prior to the termination of the current commitment order, to determine if the patient still meets the criteria for involuntary hospitalization in section 334-60.2. The person filing the objection shall also notify the psychiatric facility by telephone on the date the objection is filed;
- (5) If the family court finds that the patient does not meet the criteria for involuntary hospitalization in section 334-60.2, the court shall issue an order of discharge from the commitment[-]; and
- (6) If the family court finds that the patient does meet the criteria for involuntary hospitalization in section 334-60.2, the court shall issue an order denying discharge from the commitment.

(b) For civil commitments that do not result directly from legal proceedings under chapters 704 and 706, when the administrator or attending physician of a psychiatric facility contemplates discharge of an involuntary patient, the administrator or attending physician may assess whether an assisted community treatment plan is indicated pursuant to section 334-123 and, if so indicated, may communicate with an aftercare provider as part of discharge planning, as appropriate.”

SECTION 2. Section 334-76, Hawaii Revised Statutes, is amended to read as follows:

“§334-76 Discharge from custody. (a) Subject to any special requirements of law as provided in sections 704-406, 704-411, and 706-607 or elsewhere, with respect to patients committed on court order[-] from a criminal proceeding, the administrator of a psychiatric facility, pursuant to section 334-60.7, shall [send];

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- (1) Send a notice of intent to discharge or notice of the patient's admission to voluntary inpatient treatment to those persons specified in the order of commitment as entitled to receive notice of intent to discharge, by mail at their last known address; and ~~[the]~~
- (2) Send a notice of intent to discharge or notice of the patient's admission to voluntary inpatient treatment to the prosecuting attorney of the county from which the person was originally committed, by facsimile or electronically.

(b) The administrator or the deputy or the physician assuming medical responsibility for the patient shall discharge an involuntary patient when the patient is no longer a proper subject for commitment, as determined by the criteria for involuntary hospitalization in section 334-60.2.

(c) Nothing in this section shall preclude a facility from accepting for voluntary inpatient treatment, in accordance with the procedures in section 334-60.1, a patient for whom the facility contemplates discharge pursuant to section 334-60.7 and who voluntarily agrees to further hospitalization after the period of commitment has expired or where the patient is no longer a proper subject for commitment."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 30, 2014.)