
A BILL FOR AN ACT

RELATING TO ORDERS FOR TREATMENT OVER OBJECTION.

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

1 SECTION 1. Section 334E-2, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Any patient in a psychiatric facility shall be
4 afforded rights; and any psychiatric facility shall provide the
5 rights to all patients; provided that when a patient is not able
6 to exercise the patient's rights, the patient's legal guardian
7 or legal representative shall have the authority to exercise the
8 same on behalf of the patient. The rights shall include, but
9 not be limited to, the following:

- 10 (1) Access to written rules and regulations with which the
11 patient is expected to comply;
- 12 (2) Access to the facility's grievance procedure or to the
13 department of health as provided in section 334-3;
- 14 (3) Freedom from reprisal;
- 15 (4) Privacy, respect, and personal dignity;
- 16 (5) A humane environment;



- 1 (6) Freedom from discriminatory treatment based on race,
- 2 color, creed, national origin, age, and sex;
- 3 (7) A written treatment plan based on the individual
- 4 patient;
- 5 (8) Participation in the planning of the patient's
- 6 treatment plan;
- 7 (9) Refusal of treatment except in emergency situations or
- 8 where a court order or administrative order exists;
- 9 (10) Refusal to participate in experimentation;
- 10 (11) The choice of physician if the physician chosen
- 11 agrees;
- 12 (12) A qualified, competent staff;
- 13 (13) A medical examination before initiation of non-
- 14 emergency treatment;
- 15 (14) Confidentiality of the patient's records;
- 16 (15) Access to the patient's records;
- 17 (16) Knowledge of rights withheld or removed by a court or
- 18 by law;
- 19 (17) Physical exercise and recreation;
- 20 (18) Adequate diet;



- 1 (19) Knowledge of the names and titles of staff members
- 2 with whom the patient has frequent contact;
- 3 (20) The right to work at the facility and fair
- 4 compensation for work done; provided that work is
- 5 available and is part of the patient's treatment plan;
- 6 (21) Visitation rights, unless the patient poses a danger
- 7 to self or others; provided that where visitation is
- 8 prohibited, the legal guardian or legal representative
- 9 shall be allowed to visit the patient upon request;
- 10 (22) Uncensored communication;
- 11 (23) Notice of and reasons for an impending transfer;
- 12 (24) Freedom from seclusion or restraint, except:
- 13 (A) When necessary to prevent injury to self or
- 14 others; or
- 15 (B) When part of the treatment plan; or
- 16 (C) When necessary to preserve the rights of other
- 17 patients or staff;
- 18 (25) Disclosure to a court, at an involuntary civil
- 19 commitment hearing, of all treatment procedures which
- 20 have been administered prior to the hearing;



1 (26) Receipt by the patient and the patient's guardian or
2 legal guardian, if the patient has one, of this
3 enunciation of rights at the time of admission."

4 SECTION 2. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

6

INTRODUCED BY: *John A. ...*

JAN 20 2017



H.B. NO. 554

Report Title:

Psychiatric Treatment; Administrative Order

Description:

Permits an administrative order to overcome a patient's objection to psychiatric treatment.

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