



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 6, 2018

**GOV. MSG. NO. 1245**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Ninth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Twenty-Ninth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 6, 2018, the following bill was signed into law:

SB122 SD2 HD2 CD1

RELATING TO MENTAL HEALTH  
**ACT 144 (18)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

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# A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1           SECTION 1. The purpose of this Act is to ensure that when  
2 an individual with a mental health emergency is subject to  
3 certain procedures and actions, sufficient notice is given to  
4 designated family members and other interested persons of the  
5 proceedings and actions and the individual's whereabouts.

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

9           "§334-       Notice of admissions, examinations, and  
10 hospitalizations. Notice of an individual's emergency  
11 admission, examination, and hospitalization under this chapter  
12 may be given to at least one of the following persons in the  
13 following order of priority: the individual's spouse or  
14 reciprocal beneficiary, legal parents, adult children, legal  
15 guardian, if one has been appointed, or if none can be found,  
16 the closest adult relative, as long as the individual:

17           (1) Has capacity to make health care decisions and agrees;



1       (2) Is given the opportunity to object and does not  
2       object, or the health care provider can reasonably  
3       infer from the circumstances based on the exercise of  
4       professional judgment that the individual does not  
5       object; or

6       (3) Is incapacitated or an emergency circumstance exists  
7       and the health care provider determines based on the  
8       exercise of professional judgment that doing so is in  
9       the best interest of the individual."

10       SECTION 3. Section 334-60.3, Hawaii Revised Statutes, is  
11 amended to read as follows:

12       "**§334-60.3 Initiation of proceeding for involuntary**  
13 **hospitalization.** (a) Any person may file a petition alleging  
14 that a person located in the county meets the criteria for  
15 commitment to a psychiatric facility. The petition shall be  
16 executed subject to the penalties of perjury but need not be  
17 sworn to before a notary public. The attorney general, the  
18 attorney general's deputy, special deputy, or appointee  
19 designated to present the case shall assist the petitioner to  
20 state the substance of the petition in plain and simple  
21 language. The petition may be accompanied by a certificate of



1 the licensed physician, advanced practice registered nurse, or  
2 psychologist who has examined the person within two days before  
3 submission of the petition, unless the person whose commitment  
4 is sought has refused to submit to medical or psychological  
5 examination, in which case the fact of refusal shall be alleged  
6 in the petition. The certificate shall set forth the signs and  
7 symptoms relied upon by the physician, advanced practice  
8 registered nurse, or psychologist to determine the person is in  
9 need of care or treatment, or both, and whether [~~or not~~] the  
10 person is capable of realizing and making a rational decision  
11 with respect to the person's need for treatment. If the  
12 petitioner believes that further evaluation is necessary before  
13 commitment, the petitioner may request such further evaluation.

14 (b) In the event the subject of the petition has been  
15 given an examination, evaluation, or treatment in a psychiatric  
16 facility within five days before submission of the petition, and  
17 hospitalization is recommended by the staff of the facility, the  
18 petition may be accompanied by the administrator's certificate  
19 in lieu of a physician's or psychologist's certificate.

20 (c) The petition shall include the name, address, and  
21 telephone number of at least one of the following persons in the



1 following order of priority: the subject of the petition's  
2 spouse or reciprocal beneficiary, legal parents, adult children,  
3 and legal guardian, if one has been appointed. If the subject  
4 of the petition has no living spouse or reciprocal beneficiary,  
5 legal parent, adult children, or legal guardian, or if none can  
6 be found, notice shall be served on at least one of the  
7 subject's closest adult relatives, if any can be found."

8 SECTION 4. Section 334-60.4, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "§334-60.4 Notice; waiver of notice; hearing on petition;  
11 waiver of hearing on petition for involuntary hospitalization.

12 (a) The court shall set a hearing on the petition and notice of  
13 the time and place of [~~such~~] the hearing shall be served in  
14 accordance with, and to those persons specified in, a current  
15 order of commitment. If there is no current order of  
16 commitment, notice of the hearing shall be served personally on  
17 the subject of the petition and served personally or by  
18 certified or registered mail, return receipt requested,  
19 deliverable to the addressee only, on the subject's spouse or  
20 reciprocal beneficiary, legal parents, adult children, and legal  
21 guardian, if one has been appointed. If the subject of the



1 petition has no living spouse or reciprocal beneficiary, legal  
2 parent [~~and~~], adult children, or legal guardian, or if none can  
3 be found, notice of the hearing shall be served on at least one  
4 of the subject's closest adult relatives, if any can be found.  
5 Notice of the hearing shall also be served on the public  
6 defender, attorney for the subject of the petition, or other  
7 court-appointed attorney as the case may be. If the subject of  
8 the petition is a minor, notice of the hearing shall also be  
9 served upon the person who has had the principal care and  
10 custody of the minor during the sixty days preceding the date of  
11 the petition if [~~such~~] that person can be found within the  
12 State. Notice shall also be given to [~~such~~] other persons as  
13 the court may designate.

14 (b) The notice shall include the following:

- 15 (1) The date, time, place of hearing, a clear statement of  
16 the purpose of the proceedings and of possible  
17 consequences to the subject; and a statement of the  
18 legal standard upon which commitment is authorized;
- 19 (2) A copy of the petition;
- 20 (3) A written notice, in plain and simple language, that  
21 the subject may waive [~~such-a~~] the hearing by



1 voluntarily agreeing to hospitalization, or with the  
2 approval of the court, to some other form of  
3 treatment;

4 (4) A filled-out form indicating such waiver;

5 (5) A written notice, in plain and simple language, that  
6 the subject or the subject's guardian or  
7 representative may apply at any time for a hearing on  
8 the issue of the subject's need for hospitalization,  
9 if the subject has previously waived such a hearing;

10 (6) Notice that the subject is entitled to the assistance  
11 of an attorney and that the public defender has been  
12 notified of these proceedings;

13 (7) Notice that if the subject does not want to be  
14 represented by the public defender, the subject may  
15 contact the subject's own attorney; and

16 (8) [~~Notice, if such be the case,~~] If applicable, notice  
17 that the petitioner intends to adduce evidence to show  
18 that the subject of the petition is an incapacitated  
19 or protected person, or both, under article V of  
20 chapter 560, and whether [~~or not~~] appointment of a  
21 guardian is sought at the hearing. If appointment of



1 a guardian is to be recommended, and a nominee is  
2 known at the time the petition is filed, the identity  
3 of the nominee shall be disclosed.

4 (c) If the subject executes and files a waiver of the  
5 hearing, upon acceptance by the court following a court  
6 determination that the person understands the person's rights  
7 and is competent to waive them, the court shall order the  
8 subject to be committed to a facility that has agreed to admit  
9 the subject as an involuntary patient or, if the subject is at  
10 such a facility, that the subject be retained there.

11 (d) Notice of adjournments, continuances, other delays,  
12 dates of rescheduled hearings, and waivers of the hearing under  
13 subsection (c) shall also be served on the persons specified in  
14 subsection (a)."

15 SECTION 5. Section 334-60.5, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "§334-60.5 Hearing on petition. (a) The court [may]  
18 shall adjourn or continue a hearing for failure to timely notify  
19 [a] the subject of the petition's spouse or reciprocal  
20 beneficiary, legal parents, adult children, guardian, or  
21 relative, or other person determined by the court to be entitled





1 to notice, or for failure by the subject to contact an attorney  
2 as provided in section 334-60.4(b)(7) [~~if~~] unless the court  
3 determines that the interests of justice [~~se~~] require[-] that  
4 the hearing continue without adjournment or continuance.

5 (b) The time and form of the procedure incident to hearing  
6 the issues in the petition shall be provided by court rule.  
7 Unless the hearing is waived, the judge shall hear the petition  
8 as soon as possible and no later than ten days after the date  
9 the petition is filed unless a reasonable delay is sought for  
10 good cause shown by the subject of the petition, the subject's  
11 attorney, or those persons entitled to receive notice of the  
12 hearing under section 334-60.4.

13 (c) The subject of the petition shall be present at all  
14 hearings unless the subject waives the right to be present, is  
15 unable to attend, or creates conditions [~~which~~] that make it  
16 impossible to conduct the hearing in a reasonable manner as  
17 determined by the judge. A waiver is valid only upon acceptance  
18 by the court following a judicial determination that the subject  
19 understands the subject's rights and is competent to waive them,  
20 or is unable to participate. If the subject is unable to  
21 participate, the judge shall appoint a guardian ad litem or a



1 temporary guardian as provided in article V of chapter 560, to  
2 represent the subject throughout the proceedings.

3 (d) Hearings may be held at any convenient place within  
4 the circuit. The subject of the petition, any interested party,  
5 or the court on its own motion may request a hearing in another  
6 circuit because of convenience to the parties, witnesses, or the  
7 court or because of the individual's mental or physical  
8 condition.

9 (e) The attorney general, the attorney general's deputy,  
10 special deputy, or appointee shall present the case for hearings  
11 convened under this chapter, except that the attorney general,  
12 the attorney general's deputy, special deputy, or appointee need  
13 not participate in or be present at a hearing whenever a  
14 petitioner or some other appropriate person has retained private  
15 counsel who will be present in court and will present to the  
16 court the case for involuntary hospitalization.

17 (f) Counsel for the subject of the petition shall be  
18 allowed adequate time for investigation of the matters at issue  
19 and for preparation, and shall be permitted to present the  
20 evidence that the counsel believes necessary to a proper



1 disposition of the proceedings, including evidence as to  
2 alternatives to inpatient hospitalization.

3 (g) No individual may be found to require treatment in a  
4 psychiatric facility unless at least one physician, advanced  
5 practice registered nurse, or psychologist who has personally  
6 examined the individual testifies in person at the hearing.  
7 This testimony may be waived by the subject of the petition. If  
8 the subject of the petition has refused to be examined by a  
9 licensed physician, advanced practice registered nurse, or  
10 psychologist, the subject may be examined by a court-appointed  
11 licensed physician, advanced practice registered nurse, or  
12 psychologist. If the subject refuses and there is sufficient  
13 evidence to believe that the allegations of the petition are  
14 true, the court may make a temporary order committing the  
15 subject to a psychiatric facility for a period of [~~not~~] no more  
16 than five days for the purpose of a diagnostic examination and  
17 evaluation. The subject's refusal shall be treated as a denial  
18 that the subject is mentally ill or suffering from substance  
19 abuse. Nothing in this section[~~, however,~~] shall limit the  
20 individual's privilege against self-incrimination.



1 (h) The subject of the petition in a hearing under this  
2 section has the right to secure an independent medical or  
3 psychological evaluation and present evidence thereon.

4 (i) If after hearing all relevant evidence, including the  
5 result of any diagnostic examination ordered by the court, the  
6 court finds that an individual is not a person requiring  
7 medical, psychiatric, psychological, or other rehabilitative  
8 treatment or supervision, the court shall order that the  
9 individual be discharged if the individual has been hospitalized  
10 prior to the hearing.

11 (j) If the court finds that the criteria for involuntary  
12 hospitalization under section 334-60.2(1) has been met beyond a  
13 reasonable doubt and that the criteria under sections  
14 334-60.2(2) and 334-60.2(3) have been met by clear and  
15 convincing evidence, the court may issue an order to any law  
16 enforcement officer to deliver the subject to a facility that  
17 has agreed to admit the subject as an involuntary patient, or if  
18 the subject is already a patient in a psychiatric facility,  
19 authorize the facility to retain the patient for treatment for a  
20 period of ninety days unless sooner discharged. The court may  
21 also authorize the involuntary administration of medication,



1 where the subject has an existing order for assisted community  
2 treatment, issued pursuant to part VIII of this chapter,  
3 relating to assisted community treatment, and in accordance with  
4 the treatment prescribed by that prior order. Notice of the  
5 subject's commitment and the facility name and location where  
6 the subject will be committed shall be provided to those persons  
7 entitled to notice pursuant to section 334-60.4. An order of  
8 commitment shall specify which of those persons served with  
9 notice pursuant to section 334-60.4, together with such other  
10 persons as the court may designate, shall be entitled to receive  
11 any subsequent notice of intent to discharge, transfer, or  
12 recommit. The court shall forward to the Hawaii criminal  
13 justice data center all orders of involuntary civil commitment  
14 or information from all orders of involuntary civil commitment,  
15 as requested by the Hawaii criminal justice data center, which  
16 in turn shall forward the information to the Federal Bureau of  
17 Investigation, or its successor agency, for inclusion in the  
18 National Instant Criminal Background Check System database. The  
19 orders or information shall also be maintained by the Hawaii  
20 criminal justice data center for disclosure to and use by law  
21 enforcement officials for the purpose of firearms permitting or



1 registration pursuant to chapter 134. This subsection shall  
2 apply to all involuntary civil commitments without regard to the  
3 date of the involuntary civil commitment.

4 (k) The court may find that the subject of the petition is  
5 an incapacitated or protected person, or both, under article V  
6 of chapter 560, and may appoint a guardian or conservator, or  
7 both, for the subject under the terms and conditions as the  
8 court shall determine.

9 (l) Persons entitled to notice are also entitled to be  
10 present in the courtroom for the hearing and to receive a copy  
11 of the hearing transcript or recording, unless the court  
12 determines that the interests of justice require otherwise."

13 SECTION 6. Section 334-60.7, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15 "(a) [~~For civil commitments that result directly from~~  
16 ~~legal proceedings under chapters 704 and 706, when]~~ When the  
17 administrator or attending physician of a psychiatric facility  
18 contemplates discharge of an involuntary patient because of  
19 expiration of the court order for commitment or because the  
20 patient is no longer a proper subject for commitment, as  
21 determined by the criteria for involuntary hospitalization in



1 section 334-60.2, the administrator or attending physician shall  
2 provide notice of intent to discharge, or if the patient  
3 voluntarily agrees to further hospitalization, the administrator  
4 shall provide notice of the patient's admission to voluntary  
5 inpatient treatment. The following requirements and procedures  
6 shall apply:

- 7 (1) The notice and a certificate of service shall be filed  
8 with the family court and served on those persons whom  
9 the order of commitment specifies as entitled to  
10 receive notice, by mail at the person's last known  
11 address. Notice shall also be sent to the prosecuting  
12 attorney of the county from which the person was  
13 originally committed, by facsimile or electronically,  
14 for the sole purpose of victim notification;
- 15 (2) Any person specified as entitled to receive notice may  
16 waive this right in writing with the psychiatric  
17 facility;
- 18 (3) If no objection is filed within five calendar days of  
19 mailing the notice, the administrator or attending  
20 physician of the psychiatric facility shall discharge



- 1 the patient or accept the patient for voluntary  
2 inpatient treatment;
- 3 (4) If any person specified as entitled to receive notice  
4 files a written objection, with a certificate of  
5 service, to the discharge or to the patient's  
6 admission to voluntary inpatient treatment on the  
7 grounds that the patient is a proper subject for  
8 commitment, the family court shall conduct a hearing  
9 as soon as possible, prior to the termination of the  
10 current commitment order, to determine if the patient  
11 still meets the criteria for involuntary  
12 hospitalization in section 334-60.2. The person  
13 filing the objection shall also notify the psychiatric  
14 facility by telephone on the date the objection is  
15 filed;
- 16 (5) If the family court finds that the patient does not  
17 meet the criteria for involuntary hospitalization in  
18 section 334-60.2, the court shall issue an order of  
19 discharge from the commitment; and
- 20 (6) If the family court finds that the patient does meet  
21 the criteria for involuntary hospitalization in





1 section 334-60.2, the court shall issue an order  
2 denying discharge from the commitment."

3 SECTION 7. Section 334-82, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§334-82 Order to show cause; guardian ad litem.

6 Immediately upon receipt of a request, the court shall issue an  
7 order to show cause directed to the administrator of the  
8 facility and commanding the administrator to show cause at a  
9 date and time certain [~~not~~] no later than five days thereafter  
10 why the patient should not be discharged [~~forthwith~~]  
11 immediately. A copy of the request shall be attached to the  
12 order to show cause. The form of the order to show cause shall  
13 be prescribed and supplied free of charge by the court. The  
14 order to show cause shall issue without cost and may be served  
15 as any other civil process or by any responsible person  
16 appointed by the court for that purpose. At any stage of the  
17 proceedings, the court may appoint a guardian ad litem for the  
18 patient. The guardian ad litem may be a member of the bar of  
19 the court or any other responsible person. Service on the  
20 administrator may be effected by leaving certified copies of the  
21 order to show cause and request at the facility with any person



1 exercising authority. Notice of the order to show cause and the  
2 hearing date, and any adjournments, continuances, other delays,  
3 and dates of rescheduled hearings shall be provided to those  
4 persons entitled to notice pursuant to section 334-60.4."

5 SECTION 8. Section 334-84, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "§334-84 Order. If it is determined that the admission of  
8 the patient is regular and that the patient needs continued  
9 hospitalization, the court shall issue an order authorizing the  
10 detention of the patient at the facility. If it is determined  
11 that the admission of the patient is not regular or that the  
12 patient does not need continued hospitalization, the court shall  
13 issue an order requiring the immediate discharge of the patient  
14 from the facility. Notice of the detention or discharge shall  
15 be provided to those persons entitled to notice pursuant to  
16 section 334-60.4."

17 SECTION 9. Section 334-123, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "§334-123 Initiation of proceeding for assisted community  
20 treatment. (a) Any interested party may file a petition with



1 the family court alleging that another person meets the criteria  
2 for assisted community treatment. The petition shall state:

- 3 (1) Each of the criteria [~~numbered (1)~~] under section  
4 334-121(1) through (7) for assisted community  
5 treatment [~~, as set out in section 334-121~~];
- 6 (2) Petitioner's good faith belief that the subject of the  
7 petition meets each of the criteria [~~numbered (1)~~]  
8 under section 334-121(1) through (7) [~~set forth in~~  
9 ~~section 334-121~~];
- 10 (3) Facts [~~which~~] that support the petitioner's good faith  
11 belief that the subject of the petition meets each of  
12 the criteria [~~numbered (1)~~] under section 334-121(1)  
13 through (7) [~~set forth in section 334-121~~]; and
- 14 (4) That the subject of the petition is present within the  
15 county where the petition is filed.

16 The hearing on the petition need not be limited to the  
17 facts stated in the petition. The petition shall be executed  
18 subject to the penalties of perjury.

19 (b) The petition may be accompanied by a certificate of a  
20 licensed psychiatrist or advanced practice registered nurse with  
21 prescriptive authority and who holds an accredited national



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  
4 petition. For purposes of the petition, an examination shall be  
5 considered valid so long as the licensed psychiatrist or  
6 advanced practice registered nurse with prescriptive authority  
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.

13 (c) The petition shall include the name, address, and  
14 telephone number of at least one of the following persons in the  
15 following order of priority: the subject of the petition's  
16 spouse or reciprocal beneficiary, legal parents, adult children,  
17 and legal guardian, if one has been appointed. If the subject  
18 of the petition has no living spouse or reciprocal beneficiary,  
19 legal parent, adult children, or legal guardian, or if none can  
20 be found, the petition shall include the name, address, and



1 telephone number of at least one of the subject's closest adult  
2 relatives, if any can be found."

3 SECTION 10. Section 334-125, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) Notice of the hearing shall be:

6 (1) Served personally on the subject of the petition  
7 pursuant to family court rules;

8 (2) Served personally or by certified or registered mail,  
9 return receipt requested, deliverable to the addressee  
10 only, to as many as are known to the petitioner of the  
11 subject's spouse or reciprocal beneficiary, legal  
12 parents, adult children, and legal guardian, if one  
13 has been appointed[+]. If the subject of the petition  
14 has no living spouse or reciprocal beneficiary, legal  
15 parent, adult children, or legal guardian, or if none  
16 can be found, notice of the hearing shall be served on  
17 at least one of the subject's closest adult relatives,  
18 if any can be found;

19 (3) Served on the public defender, attorney for the  
20 subject of the petition, or other court-appointed  
21 attorney as applicable; and



1 (4) Given to [~~such~~] other persons as the court may  
2 designate."

3 SECTION 11. Section 334-126, Hawaii Revised Statutes, is  
4 amended as follows:

5 1. By amending subsection (a) to read:

6 "(a) The court [~~may~~] shall adjourn or continue a hearing  
7 for failure to timely notify a person entitled to be notified[~~-~~]  
8 unless the court determines that the interests of justice  
9 require that the hearing continue without adjournment or  
10 continuance."

11 2. By amending subsection (d) to read:

12 "(d) The hearing shall be closed to the public, unless the  
13 subject of the petition requests otherwise. Individuals  
14 entitled to notice are entitled to be present in the courtroom  
15 for the hearing and to receive a copy of the hearing transcript  
16 or recording, unless the court determines that the interests of  
17 justice require otherwise."

18 SECTION 12. Section 334-127, Hawaii Revised Statutes, is  
19 amended by amending subsections (a) and (b) to read as follows:

20 "(a) If after hearing all relevant evidence, including the  
21 results of any diagnostic examination ordered by the family



1 court, the family court finds that the subject of the petition  
2 does not meet the criteria for assisted community treatment, the  
3 family court shall dismiss the petition. Notice of the  
4 dismissal shall be provided to those persons entitled to notice  
5 pursuant to section 334-125.

6 (b) If after hearing all relevant evidence, including the  
7 results of any diagnostic examination ordered by the family  
8 court, the family court finds that the criteria for assisted  
9 community treatment under section 334-121(1) have been met  
10 beyond a reasonable doubt and that the criteria under section  
11 334-121(2) to 334-121(7) have been met by clear and convincing  
12 evidence, the family court shall order the subject to obtain  
13 assisted community treatment for a period of [~~not~~] no more than  
14 one year. The written treatment plan submitted pursuant to  
15 section 334-126(h) shall be attached to the order and made a  
16 part of the order.

17 If the family court finds by clear and convincing evidence  
18 that the beneficial mental and physical effects of recommended  
19 medication outweigh the detrimental mental and physical effects,  
20 if any, the order may authorize types or classes of medication  
21 to be included in treatment at the discretion of the treating



1 psychiatrist or advanced practice registered nurse with  
2 prescriptive authority and who holds an accredited national  
3 certification in an advanced practice registered nurse  
4 psychiatric specialization.

5 The court order shall also state who should receive notice  
6 of intent to discharge early in the event that the treating  
7 psychiatrist or advanced practice registered nurse with  
8 prescriptive authority and who holds an accredited national  
9 certification in an advanced practice registered nurse  
10 psychiatric specialization determines, prior to the end of the  
11 court ordered period of treatment, that the subject should be  
12 discharged early from assisted community treatment.

13 Notice of the order shall be provided to those persons  
14 entitled to notice pursuant to section 334-125."

15 SECTION 13. Section 334-129, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "§334-129 Failure to comply with assisted community  
18 treatment. (a) A treating psychiatrist or advanced practice  
19 registered nurse with prescriptive authority and who holds an  
20 accredited national certification in an advanced practice  
21 registered nurse psychiatric specialization may prescribe or





1 administer to the subject of the order reasonable and  
2 appropriate medication or medications, if specifically  
3 authorized by the court order, and treatment [~~which~~] that is  
4 consistent with accepted medical standards and the family court  
5 order, including the written treatment plan submitted pursuant  
6 to section 334-126(h).

7 (b) No subject of the order shall be physically forced to  
8 take medication under a family court order for assisted  
9 community treatment unless the subject is within an emergency  
10 department or admitted to a hospital, subsequent to the date of  
11 the current assisted community treatment order.

12 (c) A subject may be transported to a designated mental  
13 health program, or a hospital emergency department, for failure  
14 to comply with an order for assisted community treatment via the  
15 following methods:

16 (1) By an interested party with the consent of the subject  
17 of the order; or

18 (2) In accordance with section 334-59.

19 (d) The designated mental health program's treating  
20 psychiatrist or advanced practice registered nurse with  
21 prescriptive authority and who holds an accredited national



1 certification in an advanced practice registered nurse  
2 psychiatric specialization or designee of the psychiatrist or  
3 advanced practice registered nurse with prescriptive authority  
4 and who holds an accredited national certification in an  
5 advanced practice registered nurse psychiatric specialization  
6 shall make all reasonable efforts to solicit the subject's  
7 compliance with the prescribed treatment. If the subject fails  
8 or refuses to comply after the efforts to solicit compliance,  
9 the treating psychiatrist or advanced practice registered nurse  
10 with prescriptive authority and who holds an accredited national  
11 certification in an advanced practice registered nurse  
12 psychiatric specialization shall assess whether the subject of  
13 the order meets criteria for admission to a psychiatric facility  
14 under part IV of this chapter, and proceed with the admission  
15 pursuant to section 334-59(a)(2) or (3); provided that the  
16 refusal of treatment shall not, by itself, constitute a basis  
17 for involuntary hospitalization.

18 (e) Notice of any transport or admission under this  
19 section shall be provided pursuant to section 334- ."

20 SECTION 14. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 15. This Act shall take effect on July 1, 2018.

APPROVED this 06 day of JUL, 2018

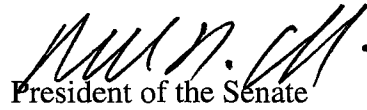



GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI‘I**

Date: May 1, 2018  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the  
Senate of the Twenty-ninth Legislature of the State of Hawai‘i, Regular Session of 2018.

  
President of the Senate

  
Clerk of the Senate

SB No. 122, SD 2, HD 2, CD 1


THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2018  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives