
A BILL FOR AN ACT

RELATING TO INVOLUNTARY HOSPITALIZATION.

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

1 SECTION 1. Section 334-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "psychiatric facility" to
3 read as follows:

4 "Psychiatric facility" means a public or private hospital
5 or part thereof [~~which~~] that provides inpatient [~~or outpatient~~]
6 care, custody, diagnosis, treatment, or rehabilitation services
7 for mentally ill persons or for persons habituated to the
8 excessive use of drugs or alcohol or for intoxicated persons."

9 SECTION 2. Section 334-59, Hawaii Revised Statutes, is
10 amended by amending subsections (a) and (b) to read as follows:

11 "(a) Initiation of proceedings. An emergency admission
12 may be initiated as follows:

13 (1) If a law enforcement officer has reason to believe
14 that a person is imminently dangerous to self or
15 others, the officer shall call for assistance from the
16 mental health emergency workers designated by the
17 director. Upon determination by the mental health



1 emergency workers that the person is imminently
2 dangerous to self or others, the person shall be
3 transported by ambulance or other suitable means [7] to
4 ~~[a licensed psychiatric facility]~~ the nearest
5 emergency department designated by the director for
6 further evaluation and possible emergency
7 hospitalization [~~. A law enforcement officer may also~~
8 ~~take into custody and transport to any facility~~
9 ~~designated by the director any person threatening or~~
10 ~~attempting suicide.~~]; provided that no critical access
11 hospitals will be designated by the director without
12 the department and the critical access hospital
13 entering into a memorandum of agreement, or unless it
14 is the only hospital on the island. The officer shall
15 make application for the examination, observation, and
16 diagnosis of the person in custody. The application
17 shall state or shall be accompanied by a statement of
18 the circumstances under which the person was taken
19 into custody and the reasons therefor which shall be
20 transmitted with the person to a physician, advanced



1 practice registered nurse, or psychologist at the
2 [~~facility~~] emergency department.

3 (2) Upon written or oral application of any licensed
4 physician, advanced practice registered nurse,
5 psychologist, attorney, member of the clergy, health
6 or social service professional, or any state or county
7 employee in the course of employment, a judge may
8 issue an ex parte order orally, but shall reduce the
9 order to writing by the close of the next court day
10 following the application, stating that there is
11 probable cause to believe the person is mentally ill
12 or suffering from substance abuse, is imminently
13 dangerous to self or others and in need of care or
14 treatment, or both, giving the findings upon which the
15 conclusion is based. The order shall direct that a
16 law enforcement officer or other suitable individual
17 take the person into custody and deliver the person to
18 a designated mental health program, if subject to an
19 assisted community treatment order issued pursuant to
20 part VIII of this chapter, or to the nearest
21 [~~facility~~] emergency department designated by the



1 director for emergency examination and treatment, or
2 both. The ex parte order shall be made a part of the
3 patient's clinical record. If the application is
4 oral, the person making the application shall reduce
5 the application to writing and shall submit the same
6 by noon of the next court day to the judge who issued
7 the oral ex parte order. The written application
8 shall be executed subject to the penalties of perjury
9 but need not be sworn to before a notary public.

10 (3) Any licensed physician, advanced practice registered
11 nurse, physician assistant, or psychologist who has
12 examined a person and has reason to believe the person
13 is:

14 (A) Mentally ill or suffering from substance abuse;

15 (B) Imminently dangerous to self or others; and

16 (C) In need of care or treatment;

17 may direct transportation, by ambulance or other
18 suitable means, to a licensed psychiatric facility for
19 further evaluation and possible emergency
20 hospitalization. A licensed physician, an advanced
21 practice registered nurse, or physician assistant may



1 administer treatment as is medically necessary, for
2 the person's safe transportation. A licensed
3 psychologist may administer treatment as is
4 psychologically necessary.

5 (b) Emergency examination. A patient who is delivered for
6 emergency examination and treatment to [~~a facility~~] an emergency
7 department designated by the director shall be examined by a
8 licensed physician or advanced practice registered nurse without
9 unnecessary delay, and may be given such treatment as is
10 indicated by good medical practice. A psychiatrist, advanced
11 practice registered nurse, or psychologist may further examine
12 the patient to diagnose the presence or absence of a mental
13 disorder, assess the risk that the patient may be dangerous to
14 self or others, and assess whether or not the patient needs to
15 be hospitalized."

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

18 SECTION 4. This Act shall take effect on January 1, 2059.



Report Title:

Emergency Mental Health Examination; Designation of Emergency Departments by the Director of Health

Description:

Permits the Director of Health to designate emergency departments to which persons requiring emergency mental health treatment may be taken by law enforcement, subject to certain restrictions. (HB1013 HD1)

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