
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that a comprehensive
2 mental health response system is needed to serve the dual
3 purposes of supporting individuals suffering from a behavioral
4 health crisis and maintaining public safety. The legislature
5 further finds that the system has multiple steps for mental
6 health crisis intervention, including initial contact by first
7 responders, determining need and basis for involuntary transport
8 for evaluation, and determination for disposition once an
9 individual has been taken into custody under an MH-1.

10 The legislature further finds that the department of
11 health, along with a wide range of stakeholder partners,
12 including the legislature, has been actively evaluating and
13 restructuring the mental health crisis response system through
14 the task force and working group of Act 90 and Act 263, Session
15 Laws of Hawaii 2019.

16 The purpose of this Act is to support the efforts of the
17 mental health task force by amending chapter 334, Hawaii Revised



1 Statutes, to further define and guide the process that occurs
2 when an individual has been transported to an emergency room or
3 behavioral health crisis center under an MH-1 order for
4 evaluation and the disposition of the individual once the
5 evaluation has been completed.

6 SECTION 2. Section 334-59, Hawaii Revised Statutes, is
7 amended by amending subsections (b) to (e) to read as follows:

8 "(b) Emergency examination. A patient who is delivered
9 for emergency examination and treatment to a psychiatric
10 facility [~~designated by the director~~] or a behavioral health
11 crisis center specifically designed and staffed to provide care,
12 diagnosis, or treatment for persons in crisis who are
13 experiencing a mental illness or substance use disorder shall be
14 [~~examined~~] provided an examination, which shall include a
15 screening to determine whether the criteria for involuntary
16 hospitalization listed in section 334-602 persists, by a
17 licensed physician, medical resident under the supervision of a
18 licensed physician, or advanced practice registered nurse
19 without unnecessary delay, and [~~may~~] shall be [~~given~~] provided
20 such treatment as is indicated by good [~~medical~~] mental health



1 practice. [A] If, after the examination, screening, and
2 treatment, the licensed physician, medical resident under the
3 supervision of a licensed physician, or advanced practice
4 registered nurse determines that the involuntary hospitalization
5 criteria persist, then a psychiatrist[7] or an advanced practice
6 registered nurse[7, or psychologist may] who has prescriptive
7 authority and who holds an accredited national certification in
8 an advanced practice registered nurse psychiatric specialization
9 shall further examine the patient to diagnose the presence or
10 absence of a mental or substance use disorder, further assess
11 the risk that the patient may be dangerous to self or others,
12 and assess whether or not the patient needs to be hospitalized.
13 If it is determined that hospitalization is not needed, an
14 evaluation pursuant to section 334-121.5 shall be completed.

15 (c) Release from emergency examination. If, after
16 examination, the licensed physician [øx], psychiatrist, advanced
17 practice registered nurse, or advanced practice registered nurse
18 who has prescriptive authority and who holds an accredited
19 national certification in an advanced practice registered nurse
20 psychiatric specialization [who performs the emergency



1 ~~examination, in consultation with a psychologist if applicable,~~
2 ~~concludes]~~ determines that ~~[the patient need not be~~
3 ~~hospitalized,]~~ imminent danger to self or others does not exist
4 or persist and the evaluation pursuant to section 334-121.5,
5 where required, has been completed, the patient shall be
6 discharged ~~[immediately]~~ expediently unless the patient is under
7 criminal charges, in which case the patient shall be returned to
8 the custody of a law enforcement officer.

9 (d) Emergency hospitalization. If the ~~[physician,]~~
10 psychiatrist or advanced practice registered nurse ~~[, or~~
11 psychologist] who has prescriptive authority and who holds an
12 accredited national certification in an advanced practice
13 registered nurse psychiatric specialization who performs the
14 emergency examination has reason to believe that the patient is:

- 15 (1) Mentally ill or suffering from substance abuse;
16 (2) Imminently dangerous to self or others; ~~[and]~~
17 (3) In need of care or treatment ~~[, or both]~~; or
18 (4) All of the above,

19 the ~~[physician,]~~ psychiatrist or advanced practice registered
20 nurse ~~[, or psychologist may]~~ who has prescriptive authority and



1 who holds an accredited national certification in an advanced
2 practice registered nurse psychiatric specialization shall
3 direct that the patient be hospitalized on an emergency basis or
4 cause the patient to be transferred to another psychiatric
5 facility for emergency hospitalization, or both. The patient
6 shall have the right immediately upon admission to telephone the
7 patient's guardian or a family member including a reciprocal
8 beneficiary, or an adult friend and an attorney. If the patient
9 declines to exercise that right, the staff of the facility shall
10 inform the adult patient of the right to waive notification to
11 the family including a reciprocal beneficiary, and shall make
12 reasonable efforts to ensure that the patient's guardian or
13 family including a reciprocal beneficiary, is notified of the
14 emergency admission but the patient's family including a
15 reciprocal beneficiary, need not be notified if the patient is
16 an adult and requests that there be no notification. The
17 patient shall be allowed to confer with an attorney in private.

18 (e) Release from emergency hospitalization. If at any
19 time during the period of emergency hospitalization the
20 [responsible] treating physician [~~concludes~~] determines that the



1 patient no longer meets the criteria for emergency
2 hospitalization and the evaluation pursuant to section 334-121.5
3 has been completed, the physician shall expediently discharge
4 the patient. If the patient is under criminal charges, the
5 patient shall be returned to the custody of a law enforcement
6 officer. In any event, the patient [~~must~~] shall be released
7 within forty-eight hours of the patient's admission to a
8 licensed psychiatric facility, unless the patient voluntarily
9 agrees to further hospitalization, or a proceeding for court-
10 ordered evaluation or hospitalization, or both, is initiated as
11 provided in section 334-60.3. If that time expires on a
12 Saturday, Sunday, or holiday, the time for initiation is
13 extended to the close of the next court day. Upon initiation of
14 the proceedings, the facility shall be authorized to detain the
15 patient until further order of the court."

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Amends Criteria for Emergency Examination, Release from
Emergency Examination, Emergency Hospitalization, Release from
Emergency Hospitalization; Individuals with Behavioral Health
Crisis

Description:

Amends criteria for emergency examination, release from
emergency examination, emergency hospitalization, and release
from emergency hospitalization for individuals suffering from a
behavioral health crisis. Takes effect 7/1/2050. (HD2)

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