
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 crisis 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 mental health crisis response system has
6 multiple steps for mental health crisis intervention, including
7 initial contact by first responders, determining need and basis
8 for involuntary transport for evaluation, and determination for
9 disposition once an individual has been taken into custody under
10 an MH-1.

11 The legislature further finds that the department of
12 health, along with a wide range of stakeholder partners,
13 including the legislature, has been actively evaluating and
14 restructuring the mental health crisis response system through
15 the task force and working group established by Act 90 and Act
16 263, Session Laws of Hawaii 2019.



1 The purpose of this Act is to support the efforts of the
2 mental health task force and working group by amending chapter
3 334, Hawaii Revised Statutes, to further define and guide the
4 process that occurs when an individual has been transported to
5 an emergency room or behavioral health crisis center under an
6 MH-1 order for evaluation and the disposition of the individual
7 once the evaluation has been completed.

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

10 "(b) Emergency examination. A patient who is delivered
11 for emergency examination and treatment to a psychiatric
12 facility [~~designated by the director~~] or a behavioral health
13 crisis center specifically designed and staffed to provide care,
14 diagnosis, or treatment for persons who are experiencing a
15 mental illness or substance use disorder crisis shall be
16 [examined] provided an examination, which shall include a
17 screening to determine whether the criteria for involuntary
18 hospitalization listed in section 334-60.2 persists, by a
19 licensed physician, medical resident under the supervision of a
20 licensed physician, or advanced practice registered nurse



1 without unnecessary delay, and ~~[may]~~ shall be ~~[given]~~ provided
2 such treatment as is indicated by good ~~[medical]~~ mental health
3 practice. [A] If, after the examination, screening, and
4 treatment, the licensed physician, medical resident under the
5 supervision of a licensed physician, or advanced practice
6 registered nurse determines that the involuntary hospitalization
7 criteria persist, then a psychiatrist, a psychologist, or an
8 advanced practice registered nurse ~~[, or psychologist may]~~ who
9 has prescriptive authority and who holds an accredited national
10 certification in an advanced practice registered nurse
11 psychiatric specialization, shall further examine the patient to
12 diagnose the presence or absence of a mental illness or
13 substance use disorder, further assess the risk that the patient
14 may be dangerous to self or others, and assess whether or not
15 the patient needs to be hospitalized. If it is determined that
16 hospitalization is not needed, an examination pursuant to
17 section 334-121.5 shall be completed.

18 (c) Release from emergency examination. If, after
19 examination, the licensed physician ~~[or]~~ psychiatrist, or
20 advanced practice registered nurse ~~[who performs the emergency~~



1 ~~examination, in consultation with a psychologist if applicable,~~
2 ~~concludes]~~ with prescriptive authority and who holds an
3 accredited national certification in an advanced practice
4 registered nurse psychiatric specialization determines that [the
5 ~~patient need not be hospitalized,]~~ the involuntary
6 hospitalization criteria set forth in section 334-60.2 are not
7 met or do not persist and the examination pursuant to section
8 334-121.5, where required, has been completed, the patient shall
9 be discharged [~~immediately]~~ expediently unless the patient is
10 under criminal charges, in which case the patient shall be
11 returned to the custody of a law enforcement officer.

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

- 19 (1) Mentally ill or suffering from substance abuse;
20 (2) Imminently dangerous to self or others; and



1 (3) In need of care or treatment, or both;
2 the [~~physician,~~] psychiatrist, psychologist, or advanced
3 practice registered nurse [~~, or psychologist may~~] with
4 prescriptive authority and who holds an accredited national
5 certification in an advanced practice registered nurse
6 psychiatric specialization shall direct that the patient be
7 hospitalized on an emergency basis or cause the patient to be
8 transferred to another psychiatric facility for emergency
9 hospitalization, or both. The patient shall have the right
10 immediately upon admission to telephone the patient's guardian
11 or a family member including a reciprocal beneficiary, or an
12 adult friend and an attorney. If the patient declines to
13 exercise that right, the staff of the facility shall inform the
14 adult patient of the right to waive notification to the family
15 including a reciprocal beneficiary, and shall make reasonable
16 efforts to ensure that the patient's guardian or family
17 including a reciprocal beneficiary, is notified of the emergency
18 admission but the patient's family including a reciprocal
19 beneficiary, need not be notified if the patient is an adult and



1 requests that there be no notification. The patient shall be
2 allowed to confer with an attorney in private.

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



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

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

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



Report Title:

Emergency Examinations; Emergency Hospitalizations; 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. Effective 7/1/2050. (HD3)

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