
A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1 SECTION 1. Section 334-60.1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+]§334-60.1[+]~~ **Voluntary admission for nonemergency**
4 **treatment or supervision.** (a) Acceptance for voluntary

5 inpatient treatment at a psychiatric facility shall be in
6 accordance with usual standards for hospital admissions.

7 (b) A facility may admit for evaluation, diagnosis, or
8 treatment any individual under ~~[fifteen]~~ eighteen years of age
9 for whom application is made by the individual's parent or
10 guardian. ~~[If application for admission is countersigned by a~~
11 ~~minor aged fifteen through seventeen years before a family court~~
12 ~~officer, no hearing shall be necessary. If the minor elects not~~
13 ~~to sign, involuntary hospitalization proceedings shall be~~
14 ~~initiated.]~~ A minor who is fifteen through seventeen years of
15 age who does not voluntarily countersign to be hospitalized may
16 be admitted as a patient for nonemergency mental health
17 treatment with the consent of a parent or legal guardian if the
18 following conditions are met:



1 (1) An inquiry and evaluation is made by a neutral
2 factfinder to determine whether the statutory
3 requirements for admission are satisfied. This
4 inquiry and evaluation shall include an interview with
5 the minor and a review of as much of the minor's
6 background as is available from other sources,
7 including but not limited to parents, schools, and
8 other social agencies. The neutral factfinder shall
9 certify in the evaluation that the admission is
10 appropriate for mental health treatment of the youth
11 and is the least restrictive setting needed for
12 treatment of the youth;

13 (2) The psychiatric facility must have the authority to
14 refuse to admit any minor who does not satisfy the
15 criteria of "medical necessity" for admission; and

16 (3) The minor's continuing need for hospitalization must
17 be reviewed periodically by a similarly independent
18 procedure.

19 (c) As used in this section:

20 "Medically necessary treatment" means treatment needed for
21 mental health disorders as determined by using medical admission
22 criteria consistent with the current applicable inpatient

1 admission standards established by the American Psychiatric
2 Association or the American Academy of Child and Adolescent
3 Psychiatry.

4 "Neutral factfinder" means a board certified psychiatrist
5 or child psychiatrist for admission to a hospital or
6 hospital-based program, or a Qualified Mental Health
7 Professional as defined by Medicaid for admission to
8 community-based or therapeutic group home residential program.

9 [~~e~~] (d) A facility shall discharge a voluntary patient
10 who has sufficiently improved so that hospitalization is no
11 longer desirable. A voluntary patient or the patient's
12 guardian, representative, or attorney may request discharge in
13 writing at any time following admission to the facility. If
14 discharge would be dangerous to the patient or others,
15 proceedings for involuntary hospitalization must be initiated as
16 soon as possible but within twenty-four hours of the receipt by
17 the administrator of the written request for discharge. If that
18 time expires on a Saturday, Sunday, or holiday, the time for
19 initiation is extended to the close of the next court day. Upon
20 the initiation of the proceedings, the facility is authorized to
21 detain the patient until further order of the court. If the
22 patient was admitted on the patient's own application and the

1 request for discharge is made by a person other than the
2 patient, the discharge may be conditioned upon the agreement of
3 the patient.

4 [~~d~~] (e) Notice of right to release. At the time of the
5 patient's admission and each six months thereafter, a voluntary
6 patient and the patient's guardian or representatives shall be
7 notified in writing of the patient's right and how to apply for
8 a discharge."

9 SECTION 2. This Act does not affect the rights and duties
10 that matured and the proceedings that were begun before the
11 effective date.

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This act shall take effect upon its approval.



Report Title:

Mental Health; Nonemergency Psychiatric Treatment

Description:

Allows parents or guardians to admit individuals, ages 15 to 17, to nonemergency psychiatric treatment facilities without the consent or countersignature of the individual. Requires neutral fact-finder to certify that the admission is appropriate. (SD1)

