

JAN 25 2006

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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. 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 is made by a neutral factfinder to  
2        determine whether the statutory requirements for  
3        admission are satisfied. This inquiry shall include  
4        an interview with the minor and a review of as much of  
5        the minor's background as is available from other  
6        sources, including but not limited to parents,  
7        schools, and other social agencies;

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

11       (3) The minor's continuing need for hospitalization must  
12       be reviewed periodically by a similarly independent  
13       procedure.

14       (c) As used in this section:

15       "Medically necessary treatment" means treatment needed for  
16       mental health disorders as determined by using medical admission  
17       criteria consistent with the current applicable inpatient  
18       admission standards established by the American Psychiatric  
19       Association or the American Academy of Child and Adolescent  
20       Psychiatry.

21       "Neutral factfinder" means any natural person, who need  
22       not be a law-trained or a judicial or administrative officer.



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

18           ~~(e)~~ (e) Notice of right to release. At the time of the  
19 patient's admission and each six months thereafter, a voluntary  
20 patient and the patient's guardian or representatives shall be  
21 notified in writing of the patient's right and how to apply for  
22 a discharge."



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

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

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

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# SB. NO. 2539

**Report Title:**

Mental Health; Nonemergency Psychiatric Treatment

**Description:**

Allows parents or guardians to admit individuals under the eighteen to nonemergency psychiatric treatment facilities without the consent or countersignature of the individual.

