
A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1 SECTION 1. Section 334-59, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

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

13 The actual examination of the patient by a licensed
14 physician, psychiatrist, or psychologist may be conducted by
15 telemedicine; provided that a licensed health care professional
16 shall be in the examination room with the patient to adequately
17 and accurately assist with obtaining necessary information at
18 the time of the telemedicine communication. The licensed health



1 care professional in the examination room with the patient shall
2 obtain and record the following information regarding the
3 telemedicine communication:

- 4 (1) The date;
- 5 (2) Starting and ending times;
- 6 (3) The names of all persons physically present in the
7 examination room and the type of license issued to the
8 health care professional; and
- 9 (4) The name and physical address of both the patient and
10 the examining physician, psychiatrist, or
11 psychologist.

12 A personal examination by a licensed physician,
13 psychiatrist, or psychologist shall be required to extend or
14 continue a period of emergency hospitalization.

15 For the purposes of this section, "telemedicine" shall have
16 the same meaning as in section 453-1.3(b)."

17 SECTION 2. Section 334-60.3, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) Any person may file a petition alleging that a person
20 located in the county meets the criteria for commitment to a
21 psychiatric facility. The petition shall be executed subject to
22 the penalties of perjury but need not be sworn to before a



1 notary public. The attorney general, the attorney general's
2 deputy, special deputy, or appointee designated to present the
3 case shall assist the petitioner to state the substance of the
4 petition in plain and simple language. The petition may be
5 accompanied by a certificate of the licensed physician or
6 psychologist who has personally examined the person within two
7 days before submission of the petition, unless the person whose
8 commitment is sought has refused to submit to medical or
9 psychological examination, in which case the fact of refusal
10 shall be alleged in the petition. The certificate shall set
11 forth the signs and symptoms relied upon by the physician or
12 psychologist to determine the person is in need of care or
13 treatment, or both, and whether or not the person is capable of
14 realizing and making a rational decision with respect to the
15 person's need for treatment. If the petitioner believes that
16 further evaluation is necessary before commitment, the
17 petitioner may request such further evaluation."

18 SECTION 3. New statutory material is underscored.



H.B. NO. 1708

1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Cindy Evans

JAN 11 2012



H.B. NO. 1708

Report Title:

Mental Health; Emergency Examination; Telemedicine

Description:

Authorizes the emergency examination of a patient by telemedicine for the purposes of emergency hospitalization in a psychiatric facility.

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