
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 or
13 psychiatrist shall be required to extend or continue a period of
14 emergency hospitalization.

15 For the purposes of this subsection, "telemedicine" shall
16 have 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~~] forty-eight hours before submission of the petition,
8 unless the person whose commitment is sought has refused to
9 submit to medical or psychological examination, in which case
10 the fact of refusal shall be alleged in the petition. The
11 certificate shall set forth the signs and symptoms relied upon
12 by the physician or psychologist to determine the person is in
13 need of care or treatment, or both, and whether or not the
14 person is capable of realizing and making a rational decision
15 with respect to the person's need for treatment. If the
16 petitioner believes that further evaluation is necessary before
17 commitment, the petitioner may request such further evaluation."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on July 1, 2050.



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. Effective July 1, 2050. (HB1708 HD1)

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