
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 In the case of a facility in a geographically remote area
14 when no licensed physician, psychiatrist, or psychologist is
15 immediately available, the emergency examination of the patient
16 by the licensed physician, psychiatrist, or psychologist may be
17 conducted by telemedicine; provided that a licensed health care
18 professional shall be in the examination room with the patient



1 to adequately and accurately assist with obtaining necessary
2 information at the time of the telemedicine communication. The
3 licensed health care professional in the examination room with
4 the patient shall obtain and record the following information
5 regarding the telemedicine communication:

6 (1) The date;

7 (2) Starting and ending times;

8 (3) The names of all persons physically present in the
9 examination room and the type of license issued to the
10 health care professional; and

11 (4) The name and physical address of both the patient and
12 the examining physician, psychiatrist, or
13 psychologist.

14 A personal examination by a licensed physician or
15 psychiatrist shall be required to extend or continue a period of
16 emergency hospitalization.

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

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



1 "(a) Any person may file a petition alleging that a person
2 located in the county meets the criteria for commitment to a
3 psychiatric facility. The petition shall be executed subject to
4 the penalties of perjury but need not be sworn to before a
5 notary public. The attorney general, the attorney general's
6 deputy, special deputy, or appointee designated to present the
7 case shall assist the petitioner to state the substance of the
8 petition in plain and simple language. The petition may be
9 accompanied by a certificate of the licensed physician or
10 psychologist who has personally examined the person within [~~two~~
11 ~~days~~] the forty-eight hours before submission of the petition,
12 unless the person whose commitment is sought has refused to
13 submit to medical or psychological examination, in which case
14 the fact of refusal shall be alleged in the petition. The
15 certificate shall set forth the signs and symptoms relied upon
16 by the physician or psychologist to determine the person is in
17 need of care or treatment, or both, and whether or not the
18 person is capable of realizing and making a rational decision
19 with respect to the person's need for treatment. If the
20 petitioner believes that further evaluation is necessary before
21 commitment, the petitioner may request such further evaluation."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 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 in geographically remote areas of the State for the purposes of emergency hospitalization in a psychiatric facility. Effective July 1, 2050. (HB1708 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

