



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 27, 2013

GOV. MSG. NO. 1335

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 27, 2013, the following bill was signed into law:

SB44 SD1 HD1

RELATING TO MENTAL HEALTH
ACT 232 (13)

Aloha
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

1 SECTION 1. Section 334-1, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Law enforcement officer" has the same meaning as in
5 section 710-1000."

6 SECTION 2. Section 334-2.5, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) The department may operate or contract for a secure
9 psychiatric rehabilitation program for individuals who require
10 intensive therapeutic treatment and rehabilitation in a secure
11 setting. The services authorized by this section shall be for
12 persons:

13 (1) Involuntarily hospitalized under this chapter for whom
14 the services cannot be reimbursed, covered, or
15 provided by an insurer, plan, or other person;

16 (2) Committed to the custody of the director under chapter
17 704; and

18 (3) Appropriately hospitalized under chapter 704 or 706.



1 The director shall be responsible for the appropriate
2 placement of all persons placed in facilities or services
3 contracted for or operated by the director under paragraphs (1)
4 through (3).

5 Any such person placed in a facility or services contracted
6 for or operated by the director who leaves or remains away from
7 the facility or services, without permission, may be apprehended
8 and returned to the facility or services by any employee of the
9 department or by any [~~police~~] law enforcement officer without
10 any warrant or further proceeding."

11 SECTION 3. Section 334-59, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) Initiation of proceedings. An emergency admission
14 may be initiated as follows:

15 (1) If a [~~police~~] law enforcement officer has reason to
16 believe that a person is imminently dangerous to self
17 or others, or is gravely disabled, or is obviously
18 ill, the officer shall call for assistance from the
19 mental health emergency workers designated by the
20 director. Upon determination by the mental health
21 emergency workers that the person is imminently
22 dangerous to self or others, or is gravely disabled,



1 or is obviously ill, the person shall be transported
2 by ambulance or other suitable means, to a licensed
3 psychiatric facility for further evaluation and
4 possible emergency hospitalization. A [~~police~~] law
5 enforcement officer may also take into custody and
6 transport to any facility designated by the director
7 any person threatening or attempting suicide. The
8 officer shall make application for the examination,
9 observation, and diagnosis of the person in custody.
10 The application shall state or shall be accompanied by
11 a statement of the circumstances under which the
12 person was taken into custody and the reasons
13 therefor, which shall be transmitted with the person
14 to a physician or psychologist at the facility.

- 15 (2) Upon written or oral application of any licensed
16 physician, advanced practice registered nurse,
17 psychologist, attorney, member of the clergy, health
18 or social service professional, or any state or county
19 employee in the course of employment, a judge may
20 issue an ex parte order orally, but shall reduce the
21 order to writing by the close of the next court day
22 following the application, stating that there is



1 probable cause to believe the person is mentally ill
2 or suffering from substance abuse, is imminently
3 dangerous to self or others, or is gravely disabled,
4 or is obviously ill, and in need of care or treatment,
5 or both, giving the findings on which the conclusion
6 is based, and directing that a [~~police~~] law
7 enforcement officer or other suitable individual take
8 the person into custody and deliver the person to the
9 nearest facility designated by the director for
10 emergency examination and treatment. The ex parte
11 order shall be made a part of the patient's clinical
12 record. If the application is oral, the person making
13 the application shall reduce the application to
14 writing and shall submit the same by noon of the next
15 court day to the judge who issued the oral ex parte
16 order. The written application shall be executed
17 subject to the penalties of perjury but need not be
18 sworn to before a notary public.

19 (3) Any licensed physician, advanced practice registered
20 nurse, physician assistant, or psychologist who has
21 examined a person and has reason to believe the person
22 is:



1 (A) Mentally ill or suffering from substance abuse;

2 (B) Imminently dangerous to self or others, or is
3 gravely disabled, or is obviously ill; and

4 (C) In need of care or treatment;

5 may direct transportation, by ambulance or other
6 suitable means, to a licensed psychiatric facility for
7 further evaluation and possible emergency
8 hospitalization. A licensed physician, an advanced
9 practice registered nurse, or physician assistant may
10 administer treatment as is medically necessary, for
11 the person's safe transportation. A licensed
12 psychologist may administer treatment as is
13 psychologically necessary."

14 SECTION 4. Section 334-60.5, Hawaii Revised Statutes, is
15 amended by amending subsection (i) to read as follows:

16 "(i) If after hearing all relevant evidence, including the
17 result of any diagnostic examination ordered by the court, the
18 court finds that an individual is not a person requiring
19 medical, psychiatric, psychological, or other rehabilitative
20 treatment or supervision, the court shall order that the
21 individual be discharged if the individual has been hospitalized
22 prior to the hearing. If the court finds that the criteria for



1 involuntary hospitalization under section 334-60.2(1) has been
2 met beyond a reasonable doubt and that the criteria under
3 sections 334-60.2(2) and 334-60.2(3) have been met by clear and
4 convincing evidence, the court may issue an order to any
5 [~~police~~] law enforcement officer to deliver the subject to a
6 facility that has agreed to admit the subject as an involuntary
7 patient, or if the subject is already a patient in a psychiatric
8 facility, authorize the facility to retain the patient for
9 treatment for a period of ninety days unless sooner discharged.
10 An order of commitment shall specify which of those persons
11 served with notice pursuant to section 334-60.4, together with
12 such other persons as the court may designate, shall be entitled
13 to receive any subsequent notice of intent to discharge,
14 transfer, or recommit."

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect upon its approval.

APPROVED this 27 day of JUN, 2013



GOVERNOR OF THE STATE OF HAWAII