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# A BILL FOR AN ACT

RELATING TO PSYCHIATRIC FACILITIES.

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

1 SECTION 1. Section 334-60.7, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§334-60.7 Notice of intent to discharge.** [~~When~~] (a) For  
4 civil commitments that result directly from legal proceedings  
5 under chapters 704 and 706, when the administrator or attending  
6 physician of a psychiatric facility contemplates discharge of an  
7 involuntary patient because of expiration of the court order for  
8 commitment or because the patient is no longer a proper subject  
9 for commitment, as determined by the criteria for involuntary  
10 hospitalization in section 334-60.2, the administrator or  
11 attending physician shall provide notice of intent to discharge,  
12 or if the patient voluntarily agrees to further hospitalization,  
13 the administrator shall provide notice of the patient's  
14 admission to voluntary inpatient treatment. The following  
15 requirements and procedures shall apply:

16 (1) The notice and a certificate of service shall be filed  
17 with the family court and served [~~personally or by~~  
18 ~~certified mail~~] on those persons whom the order of



1           commitment specifies as entitled to receive notice[-],  
2           by mail at the person's last known address. Notice  
3           shall also be sent to the prosecuting attorney of the  
4           county from which the person was originally committed,  
5           by facsimile or electronically, for the sole purpose  
6           of victim notification;  
7           (2) Any person specified as entitled to receive notice may  
8           wave this right in writing with the psychiatric  
9           facility;  
10          (3) If no objection is filed within [~~three~~ five calendar  
11          days of [~~service,~~ mailing the notice, the  
12          administrator or attending physician of the  
13          psychiatric facility shall discharge the patient or  
14          accept the patient for voluntary inpatient  
15          treatment[-];  
16          (4) If any person specified as entitled to receive notice  
17          files a written objection, with a certificate of  
18          service, to the discharge or to the patient's  
19          admission to voluntary inpatient treatment on the  
20          grounds that the patient is a proper subject for  
21          commitment, the family court shall conduct a hearing  
22          as soon as possible, prior to the termination of the



1           current commitment order, to determine if the patient  
2           still meets the criteria for involuntary  
3           hospitalization in section 334-60.2. The person  
4           filing the objection shall also notify the psychiatric  
5           facility by telephone on the date the objection is  
6           filed;

7           (5) If the family court finds that the patient does not  
8           meet the criteria for involuntary hospitalization in  
9           section 334-60.2, the court shall issue an order of  
10          discharge from the commitment[-]; and

11          (6) If the family court finds that the patient does meet  
12          the criteria for involuntary hospitalization in  
13          section 334-60.2, the court shall issue an order  
14          denying discharge from the commitment.

15          (b) For civil commitments that do not result directly from  
16          legal proceedings under chapters 704 and 706, when the  
17          administrator or attending physician of a psychiatric facility  
18          contemplates discharge of an involuntary patient, the  
19          administrator or attending physician may assess whether an  
20          assisted community treatment plan is indicated pursuant to  
21          section 334-123 and, if so indicated, may communicate with an



1 aftercare provider as part of discharge planning, as  
2 appropriate."

3 SECTION 2. Section 334-76, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 **"§334-76 Discharge from custody.** (a) Subject to any  
6 special requirements of law as provided in sections 704-406,  
7 704-411, and 706-607 or elsewhere, with respect to patients  
8 committed on court order[~~7~~] from a criminal proceeding, the  
9 administrator of a psychiatric facility, pursuant to section  
10 334-60.7, shall [~~send~~]:

11 (1) Send a notice of intent to discharge or notice of the  
12 patient's admission to voluntary inpatient treatment  
13 to those persons specified in the order of commitment  
14 as entitled to receive notice of intent to discharge,  
15 by mail at their last known address; and [the]

16 (2) Send a notice of intent to discharge or notice of the  
17 patient's admission to voluntary inpatient treatment  
18 to the prosecuting attorney of the county from which  
19 the person was originally committed, by facsimile or  
20 electronically.

21 (b) The administrator or the deputy or the physician  
22 assuming medical responsibility for the patient shall discharge



1 an involuntary patient when the patient is no longer a proper  
2 subject for commitment, as determined by the criteria for  
3 involuntary hospitalization in section 334-60.2.

4       (c) Nothing in this section shall preclude a facility from  
5 accepting for voluntary inpatient treatment, in accordance with  
6 the procedures in section 334-60.1, a patient for whom the  
7 facility contemplates discharge pursuant to section 334-60.7 and  
8 who voluntarily agrees to further hospitalization after the  
9 period of commitment has expired or where the patient is no  
10 longer a proper subject for commitment."

11       SECTION 3. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

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



**Report Title:**

Psychiatric Facilities; Notice of Intent to Discharge

**Description:**

Amends the notice requirements for the discharge of an involuntary patient committed pursuant to legal proceeding involving fitness to proceed, including those arising under sections 704-406, 704-411, or 706-607, Hawaii Revised Statutes. Requires the family court to conduct a timely hearing prior to the termination of a standing commitment order. (HB1723 CD1)

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

