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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.**   (a) When the  
4 administrator or attending physician of a psychiatric facility  
5 contemplates discharge of an involuntary patient because of  
6 expiration of the court order for commitment or because the  
7 patient is no longer a proper subject for commitment, as  
8 determined by the criteria for involuntary hospitalization in  
9 section 334-60.2, the administrator or attending physician shall  
10 provide notice of intent to discharge, or if the patient  
11 voluntarily agrees to further hospitalization, the administrator  
12 shall provide notice of the patient's admission to voluntary  
13 inpatient treatment.

14           (b) This section shall only apply to civil commitments as  
15 a direct result of legal proceedings under chapters 704 and 706.

16           (c) The notice shall be filed with the court and served  
17 ~~[personally or by certified]~~ by mail on the appropriate  
18 prosecuting attorney and those persons whom the order of



1 commitment specifies as entitled to receive notice~~[=]~~ at the  
2 person's last known address.

3 (d) Any person specified as entitled to receive notice may  
4 waive this right in writing with the psychiatric facility.

5 (e) If no objection is filed within [~~three~~] five days of  
6 [~~service,~~] mailing, the administrator or attending physician of  
7 the psychiatric facility shall discharge or accept the patient  
8 for voluntary inpatient treatment.

9 (f) If any person specified as entitled to receive notice  
10 files a written objection to the discharge or to the patient's  
11 admission to voluntary inpatient treatment on the grounds that  
12 the patient is a proper subject for commitment, the court shall  
13 conduct a hearing within seventy-two hours, and prior to the  
14 termination of the current commitment order, to determine if the  
15 patient still meets the criteria for involuntary hospitalization  
16 in section 334-60.2.

17 (g) If the court finds that the patient does not meet the  
18 criteria for involuntary hospitalization in section 334-60.2,  
19 the court shall issue an order of discharge from the commitment.

20 (h) If the court finds that the patient does meet the  
21 criteria for involuntary hospitalization in section 334-60.2,



1 the court shall issue an order denying discharge from the  
2 commitment."

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 Statutory material to be repealed is bracketed  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

5 SECTION 3. This Act shall take effect upon its approval.

6



**Report Title:**

Psychiatric Facilities; Notice of Intent to Discharge

**Description:**

Requires the administrator or attending physician of a psychiatric facility to provide notice of intent to discharge a patient or patient's admission to voluntary treatment. Applies section 334-60.7, HRS, to only civil commitments as a direct result of legal proceedings. Requires the notice to be served by mail at the person's last known address, unless the person waives this right in writing. Requires courts to conduct hearings within seventy-two hours to determine if the patient still meets the criteria for involuntary hospitalization. (SD1)

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

