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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  
15 that result directly from legal proceedings under chapters 704  
16 and 706.

17 (c) The notice and a certificate of service shall be filed  
18 with the family court and served [~~personally or by certified~~] by



1 mail on those persons whom the order of commitment specifies as  
2 entitled to receive notice[-] at the person's last known  
3 address. Notice shall also be sent to the prosecuting attorney  
4 of the county from which the person was originally committed, by  
5 facsimile or electronically, for the sole purpose of victim  
6 notification.

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

9 (e) If no objection is filed within [~~three~~] five calendar  
10 days of [~~service,~~] mailing, the administrator or attending  
11 physician of the psychiatric facility shall discharge or accept  
12 the patient for voluntary inpatient treatment.

13 (f) If any person specified as entitled to receive notice  
14 files a written objection to the discharge or to the patient's  
15 admission to voluntary inpatient treatment on the grounds that  
16 the patient is a proper subject for commitment[-] and files a  
17 certificate of service, the family court shall conduct a hearing  
18 as soon as possible, prior to the termination of the current  
19 commitment order, to determine if the patient still meets the  
20 criteria for involuntary hospitalization in section 334-60.2.  
21 The person filing the objection shall also notify the  
22 psychiatric facility by telephone on the date of the filing.



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

4        (h) If the court finds that the patient does meet the  
5 criteria for involuntary hospitalization in section 334-60.2,  
6 the court shall issue an order denying discharge from the  
7 commitment."

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

10        **§334-76 Discharge from custody.** (a) Subject to any  
11 special requirements of law as provided in sections 704-406,  
12 704-411, and 706-607 or elsewhere, with respect to patients  
13 committed on court order[~~r~~] from a criminal proceeding, the  
14 administrator of a psychiatric facility, pursuant to section  
15 334-60.7, shall [~~send~~]:

16        (1) Send a notice of intent to discharge or notice of the  
17 patient's admission to voluntary inpatient treatment  
18 to those persons specified in the order of commitment  
19 as entitled to receive notice of intent to discharge  
20 by mail at their last known address; and [~~the~~]

21        (2) Send a notice of intent to discharge or notice of the  
22 patient's admission to voluntary inpatient treatment



1           to the prosecuting attorney of the county from which  
2           the person was originally committed, by facsimile or  
3           electronically.

4           (b) The administrator or the deputy or the physician  
5 assuming medical responsibility for the patient shall discharge  
6 an involuntary patient when the patient is no longer a proper  
7 subject for commitment, as determined by the criteria for  
8 involuntary hospitalization in section 334-60.2.

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

16           SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

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

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**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 that directly result from certain 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, and to the prosecuting attorney of the county from which the person was originally committed for the sole purpose of victim notification. Requires family courts to conduct hearings as soon as possible to determine if the patient still meets the criteria for involuntary hospitalization. Amends section 334-76, HRS, to require the administrator of a psychiatric facility to send notice of intent to discharge or notice of the patient's admission to voluntary inpatient treatment to persons specified in the order of commitment by mail at their last known address and to the prosecuting attorney of the county from which the person was originally committed. (SD2)

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

