



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

September 15, 2020

GOV. MSG. NO. 1133

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on September 15, 2020, the following bill was signed into law:

HB1661 HD3 SD2

RELATING TO HEALTH.
Act 028 (20)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that a comprehensive
2 mental health response crisis system is needed to serve the dual
3 purposes of supporting individuals suffering from a behavioral
4 health crisis and maintaining public safety. The legislature
5 further finds that the mental health crisis response system has
6 multiple steps for mental health crisis intervention, including
7 initial contact by first responders, determining need and basis
8 for involuntary transport for evaluation, and determination for
9 disposition once an individual has been taken into custody
10 pursuant to section 334-59(a), Hawaii Revised Statutes.

11 The legislature further finds that the department of
12 health, along with a wide range of stakeholder partners,
13 including the legislature, has been actively evaluating and
14 restructuring the mental health crisis response system through
15 the task force and working group established by Act 90 and Act
16 263, Session Laws of Hawaii 2019.



1 The purpose of this Act is to support the efforts of the
2 mental health task force and working group by amending chapter
3 334, Hawaii Revised Statutes, to further define and guide the
4 process that occurs when an individual has been transported to
5 an emergency room or behavioral health crisis center pursuant to
6 section 334-59(a), Hawaii Revised Statutes, order for evaluation
7 and the disposition of the individual once the evaluation has
8 been completed.

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

12 "Behavioral health crisis center" means a facility that is
13 specifically designed and staffed to provide care, diagnosis, or
14 treatment for persons who are experiencing a mental illness or
15 substance use disorder crisis."

16 SECTION 3. Section 334-59, Hawaii Revised Statutes, is
17 amended by amending subsections (b) to (e) to read as follows:

18 "(b) Emergency examination. A patient who is delivered
19 for emergency examination and treatment to a psychiatric
20 facility [~~designated by the director~~] or a behavioral health



1 crisis center shall be [examin] provided an examination, which
2 shall include a screening to determine whether the criteria for
3 involuntary hospitalization listed in section 334-60.2 persists,
4 by a licensed physician, medical resident under the supervision
5 of a licensed physician, or advanced practice registered nurse
6 without unnecessary delay, and [may] shall be [given] provided
7 such treatment as is indicated by good medical practice. [A]
8 If, after the examination, screening, and treatment, the
9 licensed physician, medical resident under the supervision of a
10 licensed physician, or advanced practice registered nurse
11 determines that the involuntary hospitalization criteria
12 persist, then a psychiatrist [7] or advanced practice registered
13 nurse [7, or psychologist may] who has prescriptive authority and
14 who holds an accredited national certification in an advanced
15 practice registered nurse psychiatric specialization shall
16 further examine the patient to diagnose the presence or absence
17 of a mental illness or substance use disorder, further assess
18 the risk that the patient may be dangerous to self or others,
19 and assess whether or not the patient needs to be hospitalized.



1 If it is determined that hospitalization is not needed, an
2 examination pursuant to section 334-121.5 shall be completed.

3 (c) Release from emergency examination. If, after
4 examination, the licensed physician [or], psychiatrist, or
5 advanced practice registered nurse [who performs the emergency
6 examination, in consultation with a psychologist if applicable,
7 concludes] with prescriptive authority and who holds an
8 accredited national certification in an advanced practice
9 registered nurse psychiatric specialization determines that [the
10 patient need not be hospitalized,] the involuntary
11 hospitalization criteria set forth in section 334-60.2 are not
12 met or do not persist and the examination pursuant to section
13 334-121.5, where required, has been completed, the patient shall
14 be discharged [immediately] expediently, unless the patient is
15 under criminal charges, in which case the patient shall be
16 returned to the custody of a law enforcement officer.

17 (d) Emergency hospitalization. If the [physician,]
18 psychiatrist or advanced practice registered nurse [or
19 psychologist] with prescriptive authority and who holds an
20 accredited national certification in an advanced practice



1 registered nurse psychiatric specialization who performs the
2 emergency examination has reason to believe that the patient is:
3 (1) Mentally ill or suffering from substance abuse;
4 (2) Imminently dangerous to self or others; and
5 (3) In need of care or treatment, or both;
6 the [~~physician,~~] psychiatrist or advanced practice registered
7 nurse [~~, or psychologist may~~] with prescriptive authority and who
8 holds an accredited national certification in an advanced
9 practice registered nurse psychiatric specialization shall
10 direct that the patient be hospitalized on an emergency basis or
11 cause the patient to be transferred to another psychiatric
12 facility for emergency hospitalization, or both. The patient
13 shall have the right immediately upon admission to telephone the
14 patient's guardian or a family member including a reciprocal
15 beneficiary, or an adult friend and an attorney. If the patient
16 declines to exercise that right, the staff of the facility shall
17 inform the adult patient of the right to waive notification to
18 the family, including a reciprocal beneficiary, and shall make
19 reasonable efforts to ensure that the patient's guardian or
20 family, including a reciprocal beneficiary, is notified of the



1 emergency admission but the patient's family, including a
2 reciprocal beneficiary, need not be notified if the patient is
3 an adult and requests that there be no notification. The
4 patient shall be allowed to confer with an attorney in private.

5 (e) Release from emergency hospitalization. If at any
6 time during the period of emergency hospitalization the
7 ~~[responsible]~~ treating physician ~~[concludes]~~ determines that the
8 patient no longer meets the criteria for emergency
9 hospitalization and the examination pursuant to section
10 334-121.5 has been completed, the physician shall expediently
11 discharge the patient. If the patient is under criminal
12 charges, the patient shall be returned to the custody of a law
13 enforcement officer. In any event, the patient ~~[must]~~ shall be
14 released within forty-eight hours of the patient's admission~~[r]~~
15 to a psychiatric facility, unless the patient voluntarily agrees
16 to further hospitalization, or a proceeding for court-ordered
17 evaluation or hospitalization, or both, is initiated as provided
18 in section 334-60.3. If that time expires on a Saturday,
19 Sunday, or holiday, the time for initiation is extended to the
20 close of the next court day. Upon initiation of the



1 proceedings, the facility shall be authorized to detain the
2 patient until further order of the court."

3 SECTION 4. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 5. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 2020.

APPROVED this 15 day of SEP, 2020



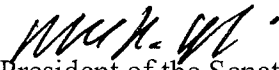
GOVERNOR OF THE STATE OF HAWAII




THE SENATE OF THE STATE OF HAWAI'I

Date: July 6, 2020
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2020.


President of the Senate


Clerk of the Senate

HB No. 1661, HD 3, SD 2

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: July 10, 2020
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2020.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives