
A BILL FOR AN ACT

RELATING TO MENTAL HEALTH.

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

- 1 SECTION 1. The purpose of this Act is to more effectively
2 protect mentally ill individuals and the public by:
- 3 (1) Amending the definition of "dangerous to self" to mean
4 the person:
- 5 (A) Recently has threatened or attempted suicide or
6 serious bodily harm; or
- 7 (B) Is gravely disabled;
- 8 (2) Defining the terms "gravely disabled" and "psychiatric
9 deterioration";
- 10 (3) Broadening the term of "imminently dangerous to self
11 and others" to persons who will likely be dangerous
12 within the next ninety days, rather than within the
13 next forty-five days; and
- 14 (4) Increasing the maximum period of emergency
15 hospitalization from forty-eight hours to seventy-two
16 hours.



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

3 1. By adding two new definitions to be appropriately
4 inserted and to read:

5 "Gravely disabled" means a condition in which a person is
6 unable, without supervision and the assistance of others, to
7 prevent physical or psychiatric deterioration or to satisfy the
8 need for nourishment, essential medical care including treatment
9 for a mental illness, shelter, or self-protection, so that it is
10 probable that death, substantial bodily injury, or serious
11 physical debilitation or disease will result unless adequate
12 treatment is afforded.

13 "Psychiatric deterioration" means a substantial impairment
14 or an obvious decline of an individual's judgment, reasoning, or
15 ability to control behavior."

16 2. By amending the definition of "dangerous to self" to
17 read:

18 "Dangerous to self" means the person [~~recently has~~]:

19 (1) [~~Threatened~~] Recently has threatened or attempted
20 suicide or serious bodily harm; or



1 (2) ~~[Behaved in such a manner as to indicate that the~~
2 ~~person is unable, without supervision and the~~
3 ~~assistance of others, to satisfy the need for~~
4 ~~nourishment, essential medical care, including~~
5 ~~treatment for a mental illness, shelter or self-~~
6 ~~protection, so that it is probable that death,~~
7 ~~substantial bodily injury, or serious physical~~
8 ~~debilitation or disease will result unless adequate~~
9 ~~treatment is afforded.] Is gravely disabled."~~

10 3. By amending the definition of "imminently dangerous to
11 self or others" to read:

12 "Imminently dangerous to self or others" means that,
13 without intervention, the person will likely become dangerous to
14 self or dangerous to others within the next ~~[forty-five]~~ ninety
15 days."

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

18 "(d) Emergency hospitalization. If the physician,
19 advanced practice registered nurse, or psychologist who performs
20 the emergency examination has reason to believe that the patient
21 is:



1 (1) Mentally ill or suffering from substance abuse;
2 (2) Imminently dangerous to self or others; and
3 (3) In need of care or treatment, or both;
4 the physician, advanced practice registered nurse, or
5 psychologist may direct that the patient be hospitalized on an
6 emergency basis or cause the patient to be transferred to
7 another psychiatric facility for emergency hospitalization, or
8 both. The patient shall have the right, immediately upon
9 admission, to telephone the patient's guardian ~~[or]~~, a family
10 member ~~[including]~~, a reciprocal beneficiary, or an adult
11 friend, and an attorney. If the patient declines to exercise
12 that right, the staff of the facility shall inform the adult
13 patient of the right to waive notification to the guardian,
14 family ~~[including a]~~ member, or reciprocal beneficiary, and
15 shall make reasonable efforts to ensure that the patient's
16 guardian ~~[or]~~, family ~~[including a]~~, or reciprocal beneficiary
17 ~~is]~~ are notified of the emergency admission, but the patient's
18 family ~~[including a]~~ or reciprocal beneficiary need not be
19 notified if the patient is an adult and requests that there be
20 no notification. The patient shall be allowed to confer with an
21 attorney in private.



1 (e) Release from emergency hospitalization. If at any
2 time during the period of emergency hospitalization the
3 responsible physician concludes that the patient no longer meets
4 the criteria for emergency hospitalization the physician shall
5 discharge the patient. If the patient is under criminal
6 charges, the patient shall be returned to the custody of a law
7 enforcement officer. In any event, the patient must be released
8 within [~~forty-eight~~] seventy-two hours of the patient's
9 admission, unless the patient voluntarily agrees to further
10 hospitalization, or a proceeding for court-ordered evaluation or
11 hospitalization, or both, is initiated as provided in section
12 334-60.3. If that time expires on a Saturday, Sunday, or
13 holiday, the time for initiation is extended to the close of the
14 next court day. Upon initiation of the proceedings the facility
15 shall be authorized to detain the patient until further order of
16 the court."

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

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect on December 31,
2 2059.



Report Title:

Mental Illness; Emergency Hospitalization; Criteria

Description:

Amends the definition of "dangerous to self". Defines the terms "gravely disabled" and "psychiatric deterioration". Broadens the term of "imminently dangerous to self and others" to persons who will likely be dangerous within the next ninety days, rather than within the next forty-five days. Increases the maximum period of emergency hospitalization from forty-eight hours to seventy-two hours. Effective 12/31/2059. (HD2)

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