

JAN 19 2022

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The purpose of this Act is to increase the
2 likelihood that persons suffering from serious mental illness or
3 severe substance abuse will receive timely and appropriate care
4 and treatment, whether when brought to an emergency department
5 for evaluation, hospitalized in a psychiatric facility under an
6 emergency hospitalization or involuntary commitment order, or
7 while being considered for assisted community treatment, by
8 requiring the assessment of certain patients subject to
9 emergency hospitalization to determine if a surrogate or
10 guardian should be appointed to make appropriate health care
11 decisions for the patient.

12 SECTION 2. Section 334-59, Hawaii Revised Statutes, is
13 amended by amending subsection (d) to read as follows:

14 "(d) Emergency hospitalization. If the psychiatrist or
15 advanced practice registered nurse ~~[with]~~ having prescriptive
16 authority and who holds an accredited national certification in
17 an advanced practice registered nurse psychiatric specialization



1 who performs ~~[the]~~ an emergency examination has reason to
2 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 psychiatrist or advanced practice registered nurse ~~[with]~~

7 having prescriptive authority and who holds an accredited

8 national certification in an advanced practice registered nurse

9 psychiatric specialization shall direct that the patient be

10 hospitalized on an emergency basis or cause the patient to be

11 transferred to another psychiatric facility for emergency

12 hospitalization, or both. ~~[The]~~ Immediately upon admission, the

13 patient shall have the right ~~[immediately upon admission]~~ to

14 telephone the patient's guardian or a family member, including a

15 reciprocal beneficiary, or an adult friend ~~[and an]~~, or

16 attorney. If the patient declines to exercise that right, the

17 staff of the facility shall inform the adult patient of the

18 right to waive notification to the family, including a

19 reciprocal beneficiary, and shall make reasonable efforts to

20 ensure that the patient's guardian or family, including a

21 reciprocal beneficiary, is notified of the emergency admission



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

5 A patient who is seen in an emergency department or
6 hospitalized on an emergency basis pursuant to this subsection,
7 diagnosed with a mental illness or severe substance use disorder
8 pursuant to subsection (b), and found to be lacking decisional
9 capacity by a psychiatrist or advanced practice registered nurse
10 having prescriptive authority and who holds an accredited
11 national certification in an advanced practice registered nurse
12 psychiatric specialization, shall be assessed to determine
13 whether a surrogate under section 327E-5 or a guardian under
14 article V of chapter 560 is needed to make appropriate health
15 care decisions for the patient."

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 on July 1, 2022.

19 INTRODUCED BY:  _____



S.B. NO. 2034

Report Title:

Mental Illness; Substance Abuse; Imminently Dangerous Standard;
Emergency Hospitalization; Assessment

Description:

Requires assessment of patients who are subject to emergency hospitalization, diagnosed with a mental illness or severe substance use disorder, and found to be lacking decisional capacity to determine if a surrogate or guardian needs to be appointed to make appropriate health care decisions for the patient.

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