
A BILL FOR AN ACT

RELATING TO HEALTH.

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

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PART I

SECTION 1. The purpose of this part is to:

- (1) Authorize the provision of long-acting psychotropic medication to patients who are subject to emergency examination or emergency hospitalization;
- (2) Authorize a psychiatric facility, behavioral health crisis center, or hospital where a patient is held to request the director of health to file a petition for an order for treatment over the patient's objection;
- (3) Require the director of health to review a request for such petition expeditiously and either pursue a petition or convene an administrative panel;
- (4) Expand who may join in a petition for a request for treatment over a patient's objection under certain circumstances; and
- (5) Expand the administration of treatment over a patient's objection to include persons who are in the



1 custody of the director of health at any hospital,
 2 subject to a court order regarding fitness to proceed
 3 for a criminal trial, the subject of an application
 4 for involuntary hospitalization, and subject to an
 5 emergency examination.

6 SECTION 2. Section 334-59, Hawaii Revised Statutes, is
 7 amended as follows:

8 1. By amending subsection (b) to read:

9 "(b) Emergency examination. A patient who is delivered
 10 for emergency examination and treatment to a psychiatric
 11 facility or a behavioral health crisis center shall be provided
 12 an examination, which shall include a screening to determine
 13 whether the criteria for involuntary hospitalization listed in
 14 section 334-60.2 persists, by a licensed physician, medical
 15 resident under the supervision of a licensed physician, or
 16 advanced practice registered nurse without unnecessary delay,
 17 and shall be provided [~~such~~] treatment as is indicated by good
 18 medical practice[~~-~~], which may include long-acting psychotropic
 19 medication. If, after the examination, screening, and
 20 treatment, the licensed physician, medical resident under the
 21 supervision of a licensed physician, or advanced practice



1 registered nurse determines that the involuntary hospitalization
2 criteria persist, then a psychiatrist or advanced practice
3 registered nurse who has prescriptive authority and who holds an
4 accredited national certification in an advanced practice
5 registered nurse psychiatric specialization shall further
6 examine the patient to diagnose the presence or absence of a
7 mental illness or substance use disorder, further assess the
8 risk that the patient may be dangerous to self or others, and
9 assess whether [~~or not~~] the patient needs to be hospitalized.
10 The psychiatric facility, behavioral health crisis center, or
11 hospital where the patient is held may request the director to
12 file a petition for an order for treatment over the patient's
13 objection. The request for petition shall include supporting
14 information. The director shall review the request
15 expeditiously and if the request appears to satisfy the four
16 factors in section 334-161, the director shall file and pursue a
17 petition to request an order for treatment over the patient's
18 objection as soon as possible in court or, upon request by the
19 facility, behavioral health crisis center, or hospital, convene
20 an administrative panel pursuant to section 334-162. If it is



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

3 2. By amending subsection (d) to read:

4 "(d) Emergency hospitalization. If the psychiatrist or
5 advanced practice registered nurse with prescriptive authority
6 and who holds an accredited national certification in an
7 advanced practice registered nurse psychiatric specialization
8 who performs the emergency examination has reason to believe
9 that the patient is:

- 10 (1) Mentally ill or suffering from substance abuse;
- 11 (2) Imminently dangerous to self or others; and
- 12 (3) In need of care or treatment, or both;

13 the psychiatrist or advanced practice registered nurse with
14 prescriptive authority and who holds an accredited national
15 certification in an advanced practice registered nurse
16 psychiatric specialization shall direct that the patient be
17 hospitalized on an emergency basis or cause the patient to be
18 transferred to another psychiatric facility for emergency
19 hospitalization, or both. The psychiatric facility or hospital
20 where the patient is held may seek an order to treat pursuant to
21 section 334-162 to provide treatment as is indicated by good



1 medical practice, which may include long-acting psychotropic
2 medication. The patient shall have the right immediately upon
3 admission to telephone the patient's guardian or a family member
4 including a reciprocal beneficiary, or an adult friend and an
5 attorney. If the patient declines to exercise that right, the
6 staff of the facility shall inform the adult patient of the
7 right to waive notification to the family, including a
8 reciprocal beneficiary, and shall make reasonable efforts to
9 ensure that the patient's guardian or family, including a
10 reciprocal beneficiary, is notified of the emergency admission
11 but the patient's family, including a reciprocal beneficiary,
12 need not be notified if the patient is an adult and requests
13 that there be no notification. The patient shall be allowed to
14 confer with an attorney in private."

15 SECTION 3. Section 334-60.3, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) Any person may file a petition alleging that a person
18 located in the county meets the criteria for commitment to a
19 psychiatric facility. The petition shall be executed subject to
20 the penalties of perjury but need not be sworn to before a
21 notary public. The attorney general, the attorney general's



1 deputy, special deputy, or appointee designated to present the
2 case shall assist the petitioner to state the substance of the
3 petition in plain and simple language. The petition may be
4 accompanied by a certificate of the licensed physician, advanced
5 practice registered nurse, or psychologist who has examined the
6 person within two days before submission of the petition, unless
7 the person whose commitment is sought has refused to submit to
8 medical or psychological examination, in which case the fact of
9 refusal shall be alleged in the petition. The certificate shall
10 set forth the signs and symptoms relied upon by the physician,
11 advanced practice registered nurse, or psychologist to determine
12 whether the person is in need of care or treatment, or both, and
13 whether the person is capable of realizing and making a rational
14 decision with respect to the person's need for treatment. If
15 the petitioner believes that further evaluation is necessary
16 before commitment, the petitioner may request [~~such~~] further
17 evaluation. If the petitioner believes that treatment over
18 objection is necessary before or during commitment, the
19 petitioner may join in the petition for a request for treatment
20 pursuant to section 334-161."



1 SECTION 4. Section 334-161, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[+]~~§334-161~~[+]~~ **Criteria for issuance of court or**
4 **administrative order for treatment over the patient's objection.**

5 (a) A patient who has been committed to a psychiatric facility
6 for involuntary hospitalization ~~[or who]~~; is in the custody of
7 the director and residing in a psychiatric facility or hospital;
8 is transported to a psychiatric facility for emergency admission
9 pursuant to section 334-59(a); is delivered to a psychiatric
10 facility or a behavioral health crisis center for an emergency
11 examination under section 334-59(b); or is subject to a court
12 order under section 704-406(1) may be ordered to receive
13 treatment over the patient's objection, including the taking or
14 application of medication, if the court, or administrative panel
15 through the administrative authorization process established
16 pursuant to section 334-162, finds that:

- 17 (1) The patient suffers from a physical or mental disease,
18 disorder, or defect;
- 19 (2) The patient is imminently dangerous to self or others;
- 20 (3) The proposed treatment is medically appropriate; and



1 (4) After considering less intrusive alternatives,
2 treatment is necessary to forestall the danger posed
3 by the patient.

4 (b) A psychiatric facility, behavioral health crisis
5 center, or hospital may request the director to file a petition
6 for an order for treatment over the patient's objection. The
7 request for petition shall include supporting information. The
8 director shall review the request expeditiously and if the
9 request appears to satisfy the four factors in subsection (a),
10 the director shall file and pursue a petition to request an
11 order for treatment over the patient's objection as soon as
12 possible in court, or upon request by the facility, behavioral
13 health crisis center, or hospital, convene an administrative
14 panel pursuant to section 334-162.

15 (c) If the director does not file and expeditiously pursue
16 a request made pursuant to subsection (b), the psychiatric
17 facility, behavioral health crisis center, or hospital may file
18 a petition in its own name for an order for treatment over the
19 patient's objection. The petition may be filed in court or may
20 request the director to convene an administrative panel pursuant
21 to section 334-162.



1 (d) When involuntary hospitalization of the person is
2 additionally sought pursuant to section 334-60.3, the petitioner
3 shall combine the petition for involuntary hospitalization with
4 the petition for an order for treatment over the patient's
5 objection to reduce the time the patient is involuntarily
6 hospitalized without treatment.

7 (e) The court or administrative panel shall set a hearing
8 date on a petition, and any subsequent hearing dates, as soon as
9 possible. Unless exigent circumstances exist, the court or
10 administrative panel shall file a final order on the petition
11 within thirty days after the petition is filed.

12 [~~b~~] (f) For the purposes of this section, "imminently
13 dangerous to self or others" means that, without intervention,
14 the person will likely become dangerous to self or dangerous to
15 others within the next forty-five days."

16 SECTION 5. Section 334-162, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[+]§334-162[+] **Criteria for administrative**
19 **authorization process.** (a) A patient who is in the custody of
20 the director and in a psychiatric facility or hospital; is
21 subject to a petition for involuntary hospitalization under



1 section 334-59(d); or is the subject to a court order under
2 section 704-406(1) may be ordered to receive medical treatment
3 over the patient's objection through an administrative
4 authorization process that includes the following due process
5 safeguards:

6 (1) The [~~facility~~] director shall give notice to the
7 patient of the authorization process and the reasons
8 for initiating the process;

9 (2) The administrative panel shall consist of three
10 members with relevant clinical training and
11 experience, and who are not involved with the current
12 treatment of the patient;

13 (3) The patient shall have the right to attend the
14 hearing, receive assistance from an advisor, [~~cross~~
15 ~~examine~~] cross-examine witnesses, and present
16 testimony, exhibits, and witnesses; and

17 (4) The patient shall have the right to appeal the
18 decision of the administrative panel.

19 (b) An administrative panel shall be convened by the
20 director as soon as possible following a request from a
21 psychiatric facility, behavioral health crisis center, or



1 hospital for an administrative order to treat a patient who
2 appears to meet the standards for an order of treatment pursuant
3 to section 334-161(a).

4 [~~(b)~~] (c) The administrative process described by this
5 section [~~is~~] shall be exempt from the contested case
6 requirements of sections 91-8.5 to 91-15.

7 [~~(e)~~] (d) The department may adopt rules, pursuant to
8 chapter 91, to effectuate this part."

9 PART II

10 SECTION 6. The purpose of this part is to:

- 11 (1) Authorize psychiatrists or advanced practice
12 registered nurses, after examination of a person for
13 assisted community treatment indication, to request
14 the director of health to file an assisted community
15 treatment petition;
- 16 (2) Authorize interested parties to request the director
17 of health to file an assisted community treatment
18 petition on behalf of the interested party;
- 19 (3) Require the family court to file a final order on an
20 assisted community treatment petition within thirty
21 days of the date the petition is filed;



- 1 (4) Authorize the family court to use online hearings for
- 2 assisted community treatment petitions;
- 3 (5) Authorize the subject of a petition to stipulate to
- 4 the proposed order for treatment and the family court
- 5 to enter the stipulated order without an evidentiary
- 6 hearing; and
- 7 (6) Require the department of health to report to the
- 8 legislature prior to the regular session of 2025 on
- 9 the number of requests for petitions for assisted
- 10 community treatment submitted to the director of
- 11 health.

12 SECTION 7. Section 334-121.5, Hawaii Revised Statutes, is
 13 amended to read as follows:

14 "[+]§334-121.5[+] **Examination for assisted community**
 15 **treatment indication.** A licensed psychiatrist or advanced
 16 practice registered nurse with prescriptive authority and who
 17 holds an accredited national certification in an advanced
 18 practice registered nurse psychiatric specialization associated
 19 with the licensed psychiatric facility where a person is located
 20 who was committed to involuntary hospitalization, delivered for
 21 emergency examination or emergency hospitalization, or



1 voluntarily admitted to inpatient treatment at a psychiatric
2 facility pursuant to part IV shall, [~~prior to~~] before the
3 person's discharge, examine the person to determine whether an
4 assisted community treatment plan is indicated pursuant to this
5 part. If a plan is indicated, the psychiatrist or advanced
6 practice registered nurse shall prepare the certificate
7 specified by section 334-123[~~-~~] or request the director to file
8 a petition under section 334-123 and assist with the certificate
9 specified by section 334-123. The psychiatric facility may
10 notify another mental health program for assistance with the
11 coordination of care in the community for the person. Nothing
12 in this section shall delay the appropriate discharge of a
13 person from the psychiatric facility after the examination for
14 assisted community treatment indication has been completed."

15 SECTION 8. Section 334-123, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§334-123 Initiation of proceeding for assisted community**
18 **treatment.** (a) Any interested party may file, or request the
19 director to file, a petition with the family court alleging that
20 another person meets the criteria for assisted community
21 treatment. The interested party shall be responsible for



1 providing information to the director to support the petition.
2 The director shall review the request as expeditiously as
3 possible upon receipt of the request and, if the request
4 satisfies the requirements of subsection (b), shall file a
5 petition to request assisted community treatment
6 within _____ days of the request. The interested party shall
7 have the right to bring a petition on their own behalf if the
8 director has not filed a petition within _____ days.

9 (b) The petition shall state:

- 10 (1) Each of the criteria under section 334-121 for
11 assisted community treatment;
- 12 (2) Petitioner's good faith belief that the subject of the
13 petition meets each of the criteria under section 334-
14 121;
- 15 (3) Facts that support the petitioner's good faith belief
16 that the subject of the petition meets each of the
17 criteria under section 334-121; and
- 18 (4) That the subject of the petition is present within the
19 county where the petition is filed.

20 The hearing on the petition need not be limited to the
21 facts stated in the petition. The petition shall be executed



1 subject to the penalties of perjury but need not be sworn to
2 before a notary public.

3 [~~(b)~~] (c) The petition may be accompanied by a certificate
4 of a licensed psychiatrist or advanced practice registered nurse
5 with prescriptive authority and who holds an accredited national
6 certification in an advanced practice registered nurse
7 psychiatric specialization who has examined the subject of the
8 petition within twenty calendar days [~~prior to~~] before the
9 filing of the petition. For purposes of the petition, an
10 examination shall be considered valid so long as the licensed
11 psychiatrist or advanced practice registered nurse with
12 prescriptive authority and who holds an accredited national
13 certification in an advanced practice registered nurse
14 psychiatric specialization has obtained enough information from
15 the subject of the petition to reach a diagnosis of the subject
16 of the petition, and to express a professional opinion
17 concerning the same, even if the subject of the petition is not
18 fully cooperative. If the petitioner believes that further
19 evaluation is necessary before treatment, the petitioner may
20 request further evaluation.



1 [~~e~~] (d) The petition shall include the name, address,
2 and telephone number of at least one of the following persons in
3 the following order of priority: the subject of the petition's
4 spouse or reciprocal beneficiary, legal parents, adult children,
5 and legal guardian, if one has been appointed. If the subject
6 of the petition has no living spouse or reciprocal beneficiary,
7 legal parent, adult children, or legal guardian, or if none can
8 be found, the petition shall include the name, address, and
9 telephone number of at least one of the subject's closest adult
10 relatives, if any can be found."

11 SECTION 9. Section 334-124, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§334-124 Hearing date.** The family court shall set a
14 hearing date on a petition, and any subsequent hearing dates for
15 the petition, as soon as possible. Unless exigent circumstances
16 exist, the court shall endeavor to file a final order on the
17 petition within thirty days of the date the petition is filed."

18 SECTION 10. Section 334-126, Hawaii Revised Statutes, is
19 amended by amending subsections (c) and (d) to read as follows:

20 "(c) Hearings may be held at any convenient place within
21 the circuit. The subject of the petition, any interested party,



1 or the family court upon its own motion may request a hearing in
2 another court because of inconvenience to the parties,
3 witnesses, or the family court or because of the subject's
4 physical or mental condition. The court may use online hearings
5 to accommodate the needs of the parties and witnesses, in
6 accordance with family court rules.

7 (d) The hearing shall be closed to the public, unless the
8 subject of the petition requests otherwise. Individuals
9 entitled to notice are entitled to be present in the courtroom
10 or other approved location for the hearing and to receive a copy
11 of the hearing transcript or recording, unless the court
12 determines that the interests of justice require otherwise."

13 SECTION 11. Section 334-127, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§334-127 Disposition.** (a) If after hearing all relevant
16 evidence, including the results of any diagnostic examination
17 ordered by the family court, the family court finds that the
18 subject of the petition does not meet the criteria for assisted
19 community treatment, the family court shall dismiss the
20 petition. Notice of the dismissal shall be provided to those
21 persons entitled to notice pursuant to section 334-125.



1 (b) If after hearing all relevant evidence, including the
2 results of any diagnostic examination ordered by the family
3 court, the family court finds that the criteria for assisted
4 community treatment under section 334-121(1) have been met
5 beyond a reasonable doubt and that the criteria under section
6 334-121(2) to ~~[334-121]~~(4) have been met by clear and convincing
7 evidence, the family court shall order the subject to obtain
8 assisted community treatment for a period of no more than one
9 year. The written treatment plan submitted pursuant to section
10 334-126(g) shall be attached to the order and made a part of the
11 order.

12 If the family court finds by clear and convincing evidence
13 that the beneficial mental and physical effects of recommended
14 medication outweigh the detrimental mental and physical effects,
15 if any, the order may authorize types or classes of medication
16 to be included in treatment at the discretion of the treating
17 psychiatrist or advanced practice registered nurse with
18 prescriptive authority and who holds an accredited national
19 certification in an advanced practice registered nurse
20 psychiatric specialization.



1 The court order shall also state who should receive notice
2 of intent to discharge early in the event that the treating
3 psychiatrist or advanced practice registered nurse with
4 prescriptive authority and who holds an accredited national
5 certification in an advanced practice registered nurse
6 psychiatric specialization determines, [~~prior to~~] before the end
7 of the court ordered period of treatment, that the subject
8 should be discharged early from assisted community treatment.

9 Notice of the order shall be provided to the director, the
10 interested party who filed or requested the petition, and those
11 persons entitled to notice pursuant to section 334-125.

12 (c) The family court shall also designate on the order the
13 treating psychiatrist or advanced practice registered nurse with
14 prescriptive authority and who holds an accredited national
15 certification in an advanced practice registered nurse
16 psychiatric specialization who is to be responsible for the
17 management and supervision of the subject's treatment, or shall
18 assign an administrator of a designated mental health program
19 to, in turn, designate the treating psychiatrist or advanced
20 practice registered nurse with prescriptive authority and who
21 holds an accredited national certification in an advanced



1 practice registered nurse psychiatric specialization during the
2 treatment period without court approval, and may designate
3 either a publicly employed psychiatrist or advanced practice
4 registered nurse with prescriptive authority and who holds an
5 accredited national certification in an advanced practice
6 registered nurse psychiatric specialization, or a private
7 psychiatrist or advanced practice registered nurse with
8 prescriptive authority and who holds an accredited national
9 certification in an advanced practice registered nurse
10 psychiatric specialization; provided that the private
11 psychiatrist or advanced practice registered nurse with
12 prescriptive authority and who holds an accredited national
13 certification in an advanced practice registered nurse
14 psychiatric specialization shall agree to the designation. The
15 order for assisted community treatment shall be subject to the
16 Health Care Privacy Harmonization Act, chapter 323B.

17 (d) Nothing in this section shall preclude the subject's
18 stipulation to the continuance [+]of[+] an existing court order.

19 (e) The subject may stipulate to a petition for assisted
20 community treatment if the subject is provided a proposed order
21 for community assisted treatment, including the proposed



1 treatment plan, either at the time the petition is filed or
2 before entry of the court's order on the petition. If the
3 subject stipulates to the proposed order, including the proposed
4 treatment plan, by signing the proposed order, then the court
5 may enter the stipulated order without undergoing an evidentiary
6 hearing, unless the guardian ad litem objects to entry of an
7 order without an evidentiary hearing."

8 SECTION 12. Section 334-131, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) The notice shall be filed with the family court
11 [~~which~~] that issued the order for assisted community treatment,
12 and served by personal service or by certified mail on the
13 interested party who filed or requested the petition and those
14 persons whom the order for assisted community treatment
15 specifies as entitled to receive notice."

16 SECTION 13. Section 334-133, Hawaii Revised Statutes, is
17 amended as follows:

18 1. By amending subsection (a) to read:

19 "(a) Before the expiration of the period of assisted
20 community treatment ordered by the family court, any interested
21 party may file, or may request the director to file, a petition



1 with the family court for an order of continued assisted
2 community treatment. The petition shall be filed, and unless
3 the court determines the existence of a guardian, a guardian ad
4 litem appointed, and notice provided in the same manner as under
5 sections 334-123 and 334-125."

6 2. By amending subsection (c) to read:

7 "(c) Nothing in this section shall preclude the subject's
8 stipulation to the continuance of an existing [~~court~~] order.
9 This section shall be in addition to the provisions on the
10 objection to discharge."

11 SECTION 14. The department of health shall submit a report
12 on the number of requests for petitions for assisted community
13 treatment submitted to the director of health since July 1,
14 2023, to the legislature no later than twenty days prior to the
15 convening of the regular session of 2025.

16 PART III

17 SECTION 15. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 16. This Act shall take effect on June 30, 3000;
20 provided that on July 1, 2026, part I of this Act shall be
21 repealed and sections 334-59, 334-60.3, 334-161, and 334-162,



- 1 Hawaii Revised Statutes, shall be reenacted in the form in which
- 2 they read on the day prior to the effective date of this Act.



Report Title:

Emergency Examination and Hospitalization; Treatment; Assisted
Community Treatment; Petitions; DOH

Description:

Part I: Authorizes the provision of long-acting psychotropic medication to patients who are subject to emergency examination or hospitalization. Establishes and amends provisions related to administration of treatment over a patient's objection. Sunsets 7/1/2026. Part II: Establishes and amends provisions related to petitions for assisted community treatment. Requires DOH to report to the legislature. Effective 6/30/3000. (HD2)

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

