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## 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 if an individual  
2 suffers from a physical or mental disease, disorder, or defect  
3 and is imminently dangerous to self or others, that individual  
4 may be treated over their objections if the individual has been  
5 committed to a psychiatric facility for involuntary  
6 hospitalization or is in the custody of the director of health.  
7 However, an individual with the exact same physical or mental  
8 disease, disorder, or defect but who has not been committed to a  
9 psychiatric facility for involuntary hospitalization or is not  
10 in the custody of the director of health cannot be treated over  
11 their objections even if they are imminently dangerous to self  
12 or others. In these types of cases, individuals may not receive  
13 the help they desperately need and may end up harming others in  
14 their families and communities or may ultimately harm  
15 themselves. As such, the legislature finds that it is in the  
16 best interest of the safety and well-being of these individuals,  
17 their families, and their communities, that they receive



1 treatment for the disease, disorder, or defect in spite of their  
2 objections, provided certain requirements are met, regardless of  
3 whether they have been committed to a psychiatric facility for  
4 involuntary hospitalization or are in the custody of the  
5 director of health.

6 The purpose of this Act is to authorize psychiatrists and  
7 advanced practice registered nurses to file a petition to  
8 initiate the administrative authorization process in cases where  
9 the patient objects to treatment and is not in the custody of  
10 the director or involuntarily committed to a psychiatric  
11 facility, subject to certain requirements.

12 SECTION 2. Chapter 334, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15 "§334- Administrative authorization; petition. A  
16 psychiatrist or advanced practice registered nurse who holds  
17 prescriptive authority and who has an accredited national  
18 certification in an advanced practice registered nurse  
19 psychiatric specialization, who has examined and evaluated a  
20 person and concluded that the person meets the criteria for  
21 issuance of a court or administrative order for treatment over



1 the patient's objection pursuant to section 334-161, may file a  
2 petition with the director to initiate the administrative  
3 authorization process pursuant to section 334-162; provided that  
4 for petitions brought under this section, the director shall  
5 give notice of the authorization process required pursuant to  
6 section 334-162(a)(1)."

7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on July 1, 2023.

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INTRODUCED BY:

DO Hee

JAN 20 2023



# H.B. NO. 597

**Report Title:**

Substance Abuse Disorders; Mental Health; Administrative Authorization; Petition

**Description:**

Authorizes psychiatrists and advanced practice registered nurses to file a petition to initiate the administrative authorization process in cases where the patient objects to treatment and is not in the custody of the director or involuntarily committed to a psychiatric facility.

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

