

JAN 25 2023

A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF HEALTH.

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

1 SECTION 1. Section 334-60.7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§334-60.7 Notice of intent to discharge. (a) When the
4 administrator or attending physician of a psychiatric facility
5 contemplates discharge of an involuntary patient because of
6 expiration of the court order for commitment or because the
7 patient is no longer a proper subject for commitment, as
8 determined by the criteria for involuntary hospitalization in
9 section 334-60.2, the administrator or attending physician shall
10 provide notice of intent to discharge, or if the patient
11 voluntarily agrees to further hospitalization, the administrator
12 shall provide notice of the patient's admission to voluntary
13 inpatient treatment. The following requirements and procedures
14 shall apply:

15 (1) The notice and a certificate of service shall be filed
16 with the family court and served on those persons whom
17 the order of commitment specifies as entitled to



1 receive notice, by mail at the person's last known
2 address. Notice shall also be sent to the prosecuting
3 attorney of the county from which the person was
4 originally committed, by facsimile or electronically,
5 for the sole purpose of victim notification;

6 (2) Any person specified as entitled to receive notice may
7 waive this right in writing with the psychiatric
8 facility;

9 (3) If no objection is filed within five calendar days of
10 mailing the notice, the administrator or attending
11 physician of the psychiatric facility shall discharge
12 the patient or accept the patient for voluntary
13 inpatient treatment;

14 (4) If any person specified as entitled to receive notice
15 files a written objection, with a certificate of
16 service, to the discharge or to the patient's
17 admission to voluntary inpatient treatment on the
18 grounds that the patient is a proper subject for
19 commitment, the family court shall conduct a hearing
20 as soon as possible, prior to the termination of the
21 current commitment order, to determine if the patient



1 still meets the criteria for involuntary
2 hospitalization in section 334-60.2. The person
3 filing the objection shall also notify the psychiatric
4 facility by telephone on the date the objection is
5 filed;

6 (5) If the family court finds that the patient does not
7 meet the criteria for involuntary hospitalization in
8 section 334-60.2, the court shall issue an order of
9 discharge from the commitment; and

10 (6) If the family court finds that the patient does meet
11 the criteria for involuntary hospitalization in
12 section 334-60.2, the court shall issue an order
13 denying discharge from the commitment.

14 (b) For civil commitments that do not result directly from
15 legal proceedings under chapters 704 and 706, when the
16 administrator or attending physician of a psychiatric facility
17 contemplates discharge of an involuntary patient, the
18 administrator or attending physician may assess whether an
19 assisted community treatment plan is indicated pursuant to
20 section 334-123 and, if so indicated, may communicate with an



1 aftercare provider as part of discharge planning, as
2 appropriate.

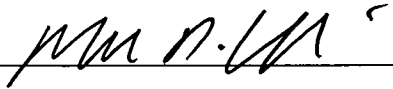
3 (c) Prior to final unconditional release of the patient,
4 the department shall give written notice of the patient's
5 release to any person that the patient has harmed or threatened
6 to harm, or who has a temporary restraining order against the
7 patient or has submitted a written request for written notice of
8 the patient's release."

9 SECTION 2. New statutory material is underscored.

10 SECTION 3. This Act shall take effect upon its approval.

11

INTRODUCED BY:



By Request



S.B. NO. 1566

Report Title:

Department of Health; Notice; Patient; Release; Victims

Description:

Requires the Department of Health to give written notice of a patient's final unconditional release to any person that the patient has harmed or threatened to harm, or who has a temporary restraining order against the patient or has submitted a written request for written notice of the patient's release prior to the patient's release.

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