

**ACT 103**

A Bill for an Act to Amend Chapter 81, Revised Laws of Hawaii 1955, Relating to the Emergency Hospitalization of Persons with Mental Disorders.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 81-31, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

**“Section 81-31. Emergency hospitalization on certificate of physician.** Notwithstanding the requirements of this chapter and chapter 56 pertaining to the regular orders for hospitalization, (a) any duly licensed physician of the State, who shall have been in the actual practice of his profession for at least two years and who has reason to believe that an individual is mentally ill and is likely to injure himself or others if he is allowed to remain at liberty, or (b) any physician employed by the federal government who has reason to believe that a veteran entitled to and receiving medical care from the federal government is mentally ill and is likely to injure himself or others if he is allowed to remain at liberty, may execute a certificate describing the specific behavior which justifies taking said individual into immediate custody. This certificate shall authorize the immediate apprehension of said individual without a warrant by said physician or by a police officer, or private hospital licensed to treat the mentally ill, and shall constitute an application for his admission thereto for purposes of emergency examination, observation and treatment for a period not to exceed 48 hours, Sundays and holidays excluded. There shall be an immediate examination of said individual by a licensed physician who practices in the specialty of psychiatry at said hospital, who shall also certify in writing that such detention is required. In the event that said physician fails to certify that such detention is required, the individual shall be released forthwith.

“No individual admitted to any hospital for emergency observation and treatment on the basis of a physician’s certificate executed under this section shall be detained in such hospital for a period in

excess of 48 hours, excluding Sundays and holidays, unless the administrator of said hospital or the physician who has assumed medical responsibility for the individual applies for an order for court commitment during the said period of detention in the manner provided in section 81-19, or 81-27 or unless the individual agrees in writing to remain voluntarily under the provisions of section 81-32.

"The administrator of a hospital in which any individual has been detained for emergency examination, observation and treatment under this section, or his representative, shall make every effort to immediately notify the spouse, parents, legal guardian, other nearest known adult relative of the individual or his attorney of his admission to the hospital by the quickest means possible. Not later than twenty-four hours after the admission pursuant to this section of any individual to a hospital, the administrator of such hospital shall send written notice of such admission, by registered mail or certified mail, to the spouse, parent, or legal guardian of such individual, if such persons and addresses are known. Each admitted individual shall be given the opportunity to communicate reasonably by telephone, or if not possible, by the next most expeditious method, with any person within the State.

"The State shall not be liable for any expenses connected with emergency hospitalizations, other than for indigent persons as determined in accordance with standards set by the director of health."

**SECTION 2.** This Act shall take effect upon its approval.

(Approved June 3, 1965.) **S.B. 427**