



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
919 ALA MOANA BOULEVARD, ROOM 113
HONOLULU, HAWAII 96814
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
February 22, 2008

The Honorable Rosalyn H. Baker, Chair
Senate Committee on Ways and Means
Twenty-Fourth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Senator Baker and Members of the Committee:

SUBJECT: SB 2150 SD1 – RELATING TO ADULT PROTECTION

The position and views expressed in this testimony do not represent nor reflect the position and views of the Department of Health and Department of Human Services (DHS).

The State Council on Developmental Disabilities (DD) **SUPPORTS SB 2150 SD1**. The purpose of SB 2150 SD1 is to expand the adult protective services law by extending protections to vulnerable adults and appropriate funds to DHS to implement the bill.

The Council supports the efforts of DHS in expanding its authority to investigate allegations of vulnerable adult abuse, neglect, and financial exploitation when there is reason to believe that a vulnerable adult has been abused or is in danger of being abused if immediate action is not taken. Changing the term “dependent adult” to “vulnerable adult” will expand DHS’ authority to respond, monitor and intervene, and provide protections for a broader population of vulnerable adults.

The Council would be willing to work with DHS and other stakeholders to develop a plan to build the capacity of community-based services to help with the provision of services under this bill.

The Council defers to DHS for the appropriation necessary for FY 2008-2009 to implement the provision of the bill.

Thank you for the opportunity to submit testimony in support of SB 2150 SD1.

Sincerely,

A handwritten signature in black ink, appearing to read "Waynette K.Y. Cabral".

Waynette K.Y. Cabral
Executive Administrator



SENATE COMMITTEE ON WAYS AND MEANS
Senator Rosalyn Baker, Chair

Conference Room 211
February 22, 2008 at 11:00 a.m.

Testimony in support of SB 2150 SD 1.

I am Coral Andrews, Vice President of the Healthcare Association of Hawaii, which represents the entire spectrum of health care, including acute care hospitals, two-thirds of the long term care beds in Hawaii, as well as home care and hospice providers. Thank you for this opportunity to submit written testimony in support of SB 2150 SD 1, which amends Hawaii's adult protection law. Significantly, this bill extends the class of protected individuals from dependent adults to vulnerable adults.

The abuse, exploitation and neglect of vulnerable adults is well-documented as a national problem. Abuse happens everywhere -- in poor, middle class, and upper income households; in cities, suburbs, and rural areas.

Hawaii's adult protection law was originally passed in 1989. Since then, much has changed. We know much more about the reasons for the abuse of vulnerable adults and how to address it. This bill advances Hawaii's approach to protect vulnerable adults.

In 2007, the House and Senate passed different forms of a bill similar to the bill under consideration today, but the conference committee could not come to a compromise agreement. Hopefully, this bill will be successful this year.

Since the bill expands the State's authority, adequate staffing and training are needed to investigate cases and develop protective orders and service plans. The Healthcare Association supports funding for these purposes.

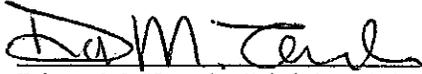
Last session's report by the House Committee on Human Services & Housing urges the affected agencies to develop a single form to report suspected cases of abuse or neglect. The law requires health care professionals, employees of health care providers, and certain others to report suspected cases of adult abuse. For each suspected case, three separate reports must be submitted to three separate government agencies, each of which has a different format. These reports can take hours to write. Much of the information is duplicative. The Healthcare Association agrees that a single format should be developed so that the report may be used by all three agencies.

For the foregoing reasons, the Healthcare Association supports SB 2150 SD 1.



CATHOLIC CHARITIES HAWAII

TO: Senator Rosalyn H. Baker, Chair
Senator Shan S. Tsutsui, Vice Chair
Committee on Ways and Means

FROM: 
Diane M. Terada, Division Administrator

DATE: Friday, February 22, 2008 (11:00 a.m., Room 211)

RE: Support of SB 2150, SD1, Relating to Adult Protection

Catholic Charities Hawaii (CCH), is a tax exempt, non-profit agency that has been providing social services in Hawaii for 60 years. **We strongly support SB 2150, SD1, Relating to Adult Protection.**

The Agency has been providing supportive home and community based services to elders since 1973 and currently serves approximately 5,000 older persons each year with services ranging from professional counseling and case management to transportation services.

It has been our general experience that when APS accepts a case, they do an excellent job of addressing the needs of the abused/neglected individual. The challenge for provider agencies, like Catholic Charities Hawaii, is the restrictive definition of the current law, which limits the ability of APS to accept cases. SB 2150, SD1 would make it possible for APS to address problems at an earlier point, without having to wait for elders/other vulnerable adults to become abused, neglected and lose all hope. It also allows for funds to ensure that APS clients can receive the services they will need to remain safe in the community.

Catholic Charities Hawaii asks for your support of SB 2150, SD1, Relating to Adult Protection. Thank you.



TO: COMMITTEE ON WAYS AND MEANS
Senator Rosalyn H. Baker, Chair
Senator Shan S. Tsutsui, Vice Chair

FROM: Sandy Rongitsch, Medical Social Worker
Hale Makua Home Health and Foster Family Programs
Wailuku, Maui

SUBJECT: SB 2150, SD 1, RELATING TO ADULT PROTECTION

Hearing: Friday, February 22, 2008, 11:00 a.m.
Conference Room 211

Thank you for this opportunity to present testimony.

We support SB 2150, SD 1 and the proposed amendments which expand and strengthen the DHS' ability to provide protective services for vulnerable adults in a more timely and comprehensive manner.

As a former adult protective services social worker/investigator and now a referring party to APS, I believe that the following changes will result in protecting and preventing further abuse of vulnerable adults who are presently "falling through the cracks":

- Changing "dependency" to "vulnerable" recognizes that advance age alone is not sufficient reason to intervene in a person's life; rather, the person's vulnerability to abuse, neglect and exploitation should be the deciding factors.
- Changing "and" to "or" recognizes that vulnerable persons need help when abused "or" are in immediate danger of being abused; the vulnerable person no longer needs to experience abuse before APS intervenes.
- Expanding the definition of "caregiver" will explicitly include home-based, as well as care home and foster home operators and others with contractual duty. This will further expand the protection of vulnerable adults.
- Appropriation of additional funds will be needed to make it possible for the DHS to respond to the increase in abuse reports. Additional staff which includes registered nurses will provide the critical nursing/medical assessment piece to address health-related and medical issues such as (but not limited to) skin turgor, malnutrition, dehydration, and skin integrity which could be missed in the social worker's psychosocial assessment

Realizing that the DHS/APS is charged with an enormous statewide responsibility, we urge your full support of SB 2150, SD 1. Thank you for your time and consideration.

LINDA LINGLE
GOVERNOR



LILLIAN B. KOLLER, ESQ.
DIRECTOR

HENRY OLIVA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

February 22, 2008

MEMORANDUM

TO: Honorable Rosalyn H. Baker, Chair
Senate Committee on Ways and Means

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 2150, S.D.1 - RELATING TO ADULT PROTECTION

Hearing: Friday, February 22, 2008, 11:00 a.m.
Conference Room 211, State Capitol

PURPOSE: The purposes of S.B. 2150, S.D.1 are to expand the adult protective services law to include vulnerable adults and to appropriate funds to the Department of Human Services.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports the intent of this bill to expand adult protective services to include vulnerable adults. This bill is similar to Administration bills, S.B. 3049 and H.B 3127, that also propose expansion of the adult protective services program.

There appears to have been an inadvertent omission of the word "has" in the definition for "caregiver" in section 346-222. We suggest that the definition be amended to read as follows:

““Caregiver” means any person who **has** knowingly and willingly[7] assumed, on a part-time or full-time basis, the care, custody, or physical control of, or who has a legal or contractual duty to care for the health, safety, and welfare of a vulnerable adult.”

Also, S.B. 2150, S.D.1 appropriates State funds to DHS to implement the proposed amendments to Chapter 346, Part X, HRS, in this bill. DHS is hopeful that no appropriation of general funds would be needed to implement this bill if the Department's existing resources can be successfully redescribed and staffed. We will be in a better position to evaluate this situation in April.

If DHS cannot utilize existing resources as hoped, then the Department will need a total of \$1,714,332 for the first year of implementation. This total includes \$1,589,332 in personnel costs for 24 new adult protective services positions and \$125,000 for client resources and services needed during crisis intervention. For the second year of implementation and every year thereafter, DHS will need a total of \$1,591,485, including \$1,466,485 per year for personnel costs and \$125,000 per year for client resources and services.

Therefore, DHS cannot support this bill at this time as written because it would adversely impact or replace the priorities in the Executive Supplemental Budget.

Thank you for this opportunity to testify.



Senate WAM Committee
Friday, Feb 22, 2008
11:00 am

National Association of Social Workers

Hawaii Chapter

February 21, 2008

TO: Senator Roz Baker, Chair
And members of the Senate Ways and Means Committee

FROM: Debbie Shimizu, LSW, Executive Director
National Association of Social Workers (NASW)

RE: SB 2150 SD1 Relating to Adult Protective Services- **SUPPORT**

Chair Chun Oakland and members of the Senate Ways and Means Committee, I am Debbie Shimizu, Executive Director of the National Association of Social Workers, Hawaii Chapter. I am testifying in **STRONG SUPPORT of SB 2150 SD1 relating to Adult Protective Services.**

Last session, NASW worked with advocates and the Kupuna Caucus on SB 1184 to amend HRS 346 to protect our state's vulnerable adults, however, that bill did not pass out of conference committee. During the interim, the Department of Human Services worked on a draft that incorporated many of the concerns that were expressed as we worked on SB 1184. NASW was invited to review DHS's initial draft and we were able to come to an agreement on a compromise draft. SB 2150 SD1 represents a compromise between DHS and NASW relating to changes in Adult Protective Services.

SB 2150 SD1 includes the following important changes:

- Adds definition of "vulnerable adult";
- Changes the definition of "abuse";
- Adds new definitions for "caregiver", "caregiver neglect", "financial exploitation", "physical abuse", "psychological abuse", "self neglect", "poor self care", and "sexual abuse";
- Mandates the department to investigate "upon receiving a report that abuse of a vulnerable adult has occurred OR is in danger of occurring if immediate action is not taken"; and
- Adds social workers to the list of mandated reporters when abuse of an elder is suspected.

We appreciate all the work the department has put into this new draft and respectfully request your favorable consideration of this bill.

Thank you for the opportunity to testify.