
HOUSE CONCURRENT RESOLUTION

REQUESTING THE ATTORNEY GENERAL TO REVIEW THE GUARDIANSHIP
PROCESS WITH RESPECT TO PATIENTS IN HOSPITALS WHO ARE
WAITLISTED FOR POST-ACUTE CARE.

1 WHEREAS, the current lengthy guardianship process requires
2 certain patients to be waitlisted in hospitals for extended
3 periods after they have been treated and are well enough to be
4 transferred to post-acute care; and

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6 WHEREAS, these waitlisted patients receive care at an
7 inappropriate level, and, as a result, they unnecessarily incur
8 the high costs of acute care when they could be receiving
9 appropriate care at a much lower cost; and

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11 WHEREAS, the current process of requesting guardianship
12 begins in the hospital, where legal teams within the hospital
13 work to prepare paperwork to request a guardian, and a hearing
14 is scheduled and conducted through the Office of the Public
15 Guardian; and

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17 WHEREAS, for non-urgent cases, that process can take up to
18 sixty days, and is followed by a post-hearing assignment of a
19 public guardian that may take up to three weeks; and

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21 WHEREAS, an existing process used by the Judiciary for
22 emergency guardianship determinations is limited to medical
23 emergencies, so discharge planning arrangements do not qualify
24 for the expedited process; and

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26 WHEREAS, in the interim, hospitals are left to locate
27 family or friends who are willing to serve as decision-makers on
28 behalf of patients as they await the scheduling process to ensue
29 for a guardianship hearing; and

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H.C.R. NO. 171

1 WHEREAS, the time required to complete the usual
 2 guardianship determination process contributes to delays in
 3 transferring waitlisted patients from an acute to post-acute
 4 care setting, which in a number of cases, has resulted in lost
 5 placement opportunities; now, therefore,

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 7 BE IT RESOLVED by the House of Representatives of the
 8 Twenty-fifth Legislature of the State of Hawaii, Regular Session
 9 of 2010, the Senate concurring, that the Attorney General is
 10 requested to review the current guardianship process and to
 11 develop an expedited process for patients in hospitals who are
 12 waitlisted for post-acute care and ready for discharge once a
 13 guardian has been identified; and

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 15 BE IT FURTHER RESOLVED that the Attorney General is
 16 requested to make efforts to initiate changes that can be made
 17 without statutory amendment; and

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 19 BE IT FURTHER RESOLVED that the Attorney General is
 20 requested to report to the Legislature on any findings and
 21 recommendations, including proposed legislation, no later than
 22 twenty days prior to the convening of the Regular Session of
 23 2011; and

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 25 BE IT FURTHER RESOLVED that certified copies of this
 26 Concurrent Resolution be transmitted to the Governor, the Chief
 27 Justice of the Supreme Court, the Attorney General, the Director
 28 of Health, the Director of Human Services, and the Chief
 29 Executive Officer of the Healthcare Association of Hawaii.

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OFFERED BY:

Tom Brann
Ricki Odomula
By your March
Mele Canale

John M. ...

J. Phil. ...
OK 4/2
AKO
Jay ...
Jesse A. Bellotti
Oramin ...

Ken Ito
...

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