
SENATE CONCURRENT RESOLUTION

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

1 WHEREAS, the current lengthy process of guardianship
2 requires certain patients to be waitlisted in hospitals for
3 extended periods after they have been treated and are well
4 enough to be transferred to post-acute care; and
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6 WHEREAS, these waitlisted patients receive care at an
7 inappropriate level and unnecessarily incur the high costs of
8 acute care when they could be receive appropriate care at a much
9 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 prepare paperwork to request a guardian and a hearing through
14 the Office of the Public Guardian is scheduled and conducted;
15 and
16

17 WHEREAS, for non-urgent cases the process of requesting
18 guardianship can take up to sixty days, and is then followed by
19 a post-hearing assignment of a public guardian that may take up
20 to an additional three weeks; and
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22 WHEREAS, an existing process used by the Judiciary for
23 emergency guardianship determinations is limited to medical
24 emergencies, so discharge planning arrangements do not qualify
25 for the expedited process; and
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27 WHEREAS, in the interim, hospitals are left to locate
28 family or friends who are willing to serve as decision-makers on
29 the behalf of patients as they await the scheduling process to
30 begin for a guardianship hearing; and
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1 WHEREAS, the timeframe to complete the usual guardianship
2 determination process contributes to delays in transferring
3 waitlisted patients from acute to post-acute care settings,
4 which in a number of cases has resulted in lost placement
5 opportunities; now, therefore,
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7 BE IT RESOLVED by the Senate of the Twenty-Fifth
8 Legislature of the State of Hawaii, Regular Session of 2010, the
9 House of Representatives concurring, that the Attorney General
10 is 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 a necessity of amending the law; and
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19 BE IT FURTHER RESOLVED that the Attorney General is
20 requested to submit a report to the Legislature of its findings
21 and recommendations, including proposed legislation, not later
22 than twenty days prior to the convening of the Regular Session
23 of 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: 

