
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 receiving appropriate care at a
9 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 prepare paperwork to request a guardian and a hearing through
14 the Office of the Public Guardian; and

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16 WHEREAS, for non-urgent cases the process of requesting
17 guardianship can take up to sixty days, and is then followed by
18 a post-hearing assignment of a public guardian that may take up
19 to an additional 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 begin
29 for a guardianship hearing; and

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31 WHEREAS, the timeframe to complete the usual guardianship
32 determination process contributes to delays in transferring



1 waitlisted patients from acute to post-acute care settings,
2 which in a number of cases has resulted in lost placement
3 opportunities; now, therefore,
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5 BE IT RESOLVED by the Senate of the Twenty-Fifth
6 Legislature of the State of Hawaii, Regular Session of 2010, the
7 House of Representatives concurring, that the Attorney General
8 is requested to review the current guardianship process and to
9 work with the Healthcare Association of Hawaii to develop an
10 expedited process for patients in hospitals who are waitlisted
11 for post-acute care and ready for discharge once a guardian has
12 been identified; and
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14 BE IT FURTHER RESOLVED that the Attorney General is
15 requested to make efforts to initiate changes that can be made
16 without the necessity of amending the law; and
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18 BE IT FURTHER RESOLVED that the Attorney General is
19 requested to submit a report to the Legislature of findings and
20 recommendations, including proposed legislation, not later than
21 twenty days prior to the convening of the Regular Session of
22 2011; and
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24 BE IT FURTHER RESOLVED that certified copies of this
25 Concurrent Resolution be transmitted to the Governor, the Chief
26 Justice of the Hawaii Supreme Court, the Attorney General, the
27 Director of Health, the Director of Human Services, and the
28 Chief Executive Officer of the Healthcare Association of Hawaii.

