

MAR 14 2007

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP AND ADOPT
POLICIES THAT ENSURE NOTIFICATION BY ALL HEALTH CARE
FACILITIES AND HEALTH CARE PROVIDERS TO THE GOVERNOR-
DESIGNATED PROTECTION AND ADVOCACY ENTITY OR AGENCY PRIOR
TO TRANSFERRING ANY INDIVIDUAL OUT-OF-STATE TO A TREATMENT,
REHABILITATION, OR LONG-TERM CARE FACILITY.

1 WHEREAS, a serious issue facing our State is the lack of
2 capacity currently in our community to provide adequate care in
3 community-based residential settings; and
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5 WHEREAS, this is true not only for individuals with
6 disabilities, but for the vast majority of elderly individuals
7 in need of basic medical care or assistance with their
8 activities of daily living; and
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10 WHEREAS, the lack of capacity will become more exacerbated
11 over time, as our population ages; and
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13 WHEREAS, one of the unfortunate results of this lack of
14 capacity has been a significant increase in the number of Hawaii
15 residents transferred from hospitals or treatment facilities in
16 Hawaii to facilities on the mainland; and
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18 WHEREAS, as an island community, we have a responsibility
19 to properly care for our elders and individuals with
20 disabilities; and
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22 WHEREAS, we need to reverse this trend of sending our local
23 elders and citizens with disabilities to the mainland simply
24 because we lack the facilities to care for them here at home;
25 and
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27 WHEREAS, we must build, develop, and increase our capacity
28 to care for our people in a way that preserves their dignity and



1 allows them to reside in a community-based setting and receive
2 care appropriate to their needs; and
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4 WHEREAS, on a case-by-case basis, individuals who may be
5 subject to a transfer to a mainland facility need to be apprised
6 of their legal rights and need to be able to consult with a
7 suitable advocacy agency to determine whether their rights are
8 being violated or whether their needs are being met; and
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10 WHEREAS, Hawaii has a governor-designated protection and
11 advocacy system under section 333F-8.5, Hawaii Revised Statutes,
12 that is well designed and equipped to perform this function;
13 now, therefore,
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15 BE IT RESOLVED by the Senate of the Twenty-fourth
16 Legislature of the State of Hawaii, Regular Session of 2007, the
17 House of Representatives concurring, that the Department of
18 Health is hereby requested to develop and adopt policies that
19 ensure notification by all health care facilities and health
20 care providers to the protection and advocacy entity or agency
21 designated pursuant to section 333F-8.5, Hawaii Revised
22 Statutes, prior to transferring any individual out-of-state to a
23 treatment, rehabilitation, or long-term care facility; and
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25 BE IT FURTHER RESOLVED that certified copies of this
26 Concurrent Resolution be transmitted to the Governor, Director
27 of Health, and Director of Human Services.
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OFFERED BY: 

