

MAR 14 2007

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

