
A BILL FOR AN ACT

RELATING TO ADULT PROTECTIVE SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 346-222, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Caregiver" means any person who has undertaken the care,
5 custody, or physical control of, or who has a legal or
6 contractual duty to care for the health, safety, and welfare of
7 a vulnerable adult."

8 SECTION 2. Section 346-224, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "[~~f~~]**S346-224**[~~f~~] **Reports.** (a) The following persons who,
11 in the performance of their professional or official duties,
12 know or have reason to believe that a [~~dependent~~] vulnerable
13 adult has been abused [and is threatened with imminent abuse] or
14 is in danger of being abused if immediate action is not taken,
15 shall promptly report the matter orally to the department [~~of~~
16 ~~human services~~:] to the extent permitted under federal law and
17 where appropriate consents to release information have been
18 obtained:



- 1 (1) Any licensed or registered professional of the healing
2 arts and any health-related occupation who examines,
3 treats, or provides other professional or specialized
4 services to [~~dependent adults,~~] a vulnerable adult,
5 including [~~but not limited to,~~] physicians, physicians
6 in training, psychologists, dentists, nurses,
7 osteopathic physicians and surgeons, optometrists,
8 chiropractors, podiatrists, pharmacists, and other
9 health-related professionals;
- 10 (2) Employees or officers of any public or private agency
11 or institution providing social, medical, hospital
12 [~~or~~], mental health services, or advocacy services,
13 including financial assistance;
- 14 (3) Employees or officers of any law enforcement agency
15 including[~~, but not limited to,~~] the courts, police
16 departments, correctional institutions, and parole or
17 probation offices;
- 18 (4) Employees or officers of any adult residential care
19 home, adult day care center, or similar institution;
20 [~~and~~]
- 21 (5) Medical examiners or coroners [~~-~~];
- 22 (6) Social workers; and



1 (7) Informal caregivers.

2 (b) The initial oral report required by subsection (a)
3 shall be followed as soon as possible by a written report to the
4 department; provided that ~~[where]~~ if a police department is the
5 initiating agency, a written report shall not be required unless
6 the police department ~~[has declined]~~ declines to take further
7 action and the department informs the police department that
8 ~~[it]~~ the department intends to ~~[pursue the matter of the orally~~
9 ~~reported incident]~~ investigate the oral report of abuse. ~~[All~~
10 ~~written reports]~~ A written report shall contain ~~[the]~~:

11 (1) The name and address of the ~~[dependent]~~ vulnerable
12 adult ~~[and the person who or care organization or care~~
13 ~~facility which]~~, if known;

14 (2) The name and address of the party who is alleged to
15 have committed or been responsible for the ~~[dependent~~
16 ~~adult]~~ abuse, if known; ~~[the]~~

17 (3) The nature and extent of the ~~[dependent]~~ vulnerable
18 adult's injury or harm; and ~~[any]~~

19 (4) Any other information the reporter believes ~~[might]~~
20 may be helpful in establishing the cause of the
21 ~~[dependent adult]~~ abuse.



1 (c) This section shall not prohibit any ~~[of the persons~~
2 ~~enumerated in subsection (a)]~~ person from reporting ~~[incidents~~
3 ~~which those persons have]~~ an incident that the person has reason
4 to believe ~~[involve]~~ involves abuse ~~[which]~~ that came to ~~[their]~~
5 the person's attention in ~~[any]~~ a private or nonprofessional
6 capacity.

7 (d) Any ~~[other]~~ person who has reason to believe that a
8 ~~[dependent]~~ vulnerable adult has been abused or is ~~[threatened~~
9 ~~with imminent abuse]~~ in danger of being abused if immediate
10 action is not taken may report the matter orally to the
11 department.

12 (e) Any person who knowingly fails to report as required
13 by this section or who wilfully prevents another person from
14 reporting pursuant to this section shall be guilty of a petty
15 misdemeanor.

16 (f) The department shall maintain a central registry of
17 reported cases.

18 (g) Nothing in this section shall require a member of the
19 clergy to report communications that are protected under rules
20 506 of chapter 626."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Social Services; Adult Protective Services

Description:

Expands the list of persons mandated to report known or suspected abuse of vulnerable adults. (HB3128 HD1)

