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# 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 knowingly and  
5 willingly assumed, on a part-time or full-time basis, the care,  
6 custody, or physical control of, or who has a legal or  
7 contractual duty to care for the health, safety, and welfare of  
8 a dependent adult."

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

11 "[+]§346-224[+] **Reports.** (a) The following persons who,  
12 in the performance of their professional or official duties,  
13 know or have reason to believe that a dependent adult has been  
14 abused and is threatened with imminent abuse shall promptly  
15 report the matter orally to the department of human services[+]  
16 to the maximum extent permitted by federal law:

17 (1) Any licensed or registered professional of the healing  
18 arts and any health-related occupation who examines,



1 treats, or provides other professional or specialized  
2 services to dependent adults, including [~~but not~~  
3 ~~limited to,~~] physicians, physicians in training,  
4 psychologists, dentists, nurses, osteopathic  
5 physicians and surgeons, optometrists, chiropractors,  
6 podiatrists, pharmacists, and other health-related  
7 professionals;

8 (2) Employees or officers of any public or private agency  
9 or institution providing social, medical, hospital, or  
10 mental health services, including financial  
11 assistance;

12 (3) Employees or officers of any law enforcement agency  
13 including [~~but not limited to,~~] the courts, police  
14 departments, correctional institutions, and parole or  
15 probation offices;

16 (4) Employees or officers of any adult residential care  
17 home, adult day care center, or similar institution;  
18 [and]

19 (5) Medical examiners or coroners[-];

20 (6) Employees or officers of the entity or agency  
21 designated by the governor pursuant to section 333F-  
22 8.5 to provide advocacy services to persons with



1           developmental disabilities and mental illness to  
2           receive federal funds authorized by 42 United States  
3           Code Sections 10801 and 15001; and

4           (7) Social workers.

5           (b) In addition to the persons enumerated in subsection  
6           (a), persons meeting the definition of "caregiver," as defined  
7           in section 346-222, who know or have reason to believe that a  
8           dependent adult has been abused and is threatened with imminent  
9           abuse shall promptly report the matter orally to the department.

10           ~~(b)~~ (c) The initial oral report required by subsection  
11 (a) shall be followed as soon as possible by a written report to  
12 the department; provided that where a police department is the  
13 initiating agency, a written report shall not be required unless  
14 the police department has declined to take further action and  
15 the department informs the police department that it intends to  
16 pursue the matter of the orally reported incident of abuse. All  
17 written reports shall contain the name and address of the  
18 dependent adult and the person who or care organization or care  
19 facility which is alleged to have committed or been responsible  
20 for the dependent adult abuse, if known; the nature and extent  
21 of the dependent adult's injury or harm; and any other



1 information the reporter believes might be helpful in  
2 establishing the cause of the dependent adult abuse.

3 ~~(e)~~ (d) This section shall not prohibit any of the  
4 persons enumerated in subsection (a) from reporting incidents  
5 which those persons have reason to believe involve abuse which  
6 came to their attention in any private or nonprofessional  
7 capacity.

8 ~~(d)~~ (e) Any other person who has reason to believe that  
9 a dependent adult has been abused or is threatened with imminent  
10 abuse may report the matter orally to the department.

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

15 ~~(f)~~ (g) The department shall maintain a central registry  
16 of reported cases."

17 SECTION 3. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 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 to include caregivers and the entity or agency designated by the governor to provide advocacy services to persons with developmental disabilities and mental illness. (SB3050 HD1)

