
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 in its authorized capacity to receive such information pursuant
17 to Titles 42 and 45, Code of Federal Regulations, with or



1 without the consent of the dependent adult or the dependent
2 adult's guardian:

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



- 1 (5) Medical examiners or coroners~~[-]~~;
- 2 (6) Employees or officers of the entity or agency
3 designated by the governor pursuant to section 333F-
4 8.5 to provide advocacy services to persons with
5 developmental disabilities and mental illness; and
- 6 (7) Social workers licensed pursuant to chapter 467E and
7 non-licensed social workers employed in a social
8 worker position pursuant to section 467E-6(2).
- 9 (b) In addition to the persons specified in subsection
10 (a), caregivers who know or have reason to believe that a
11 dependent adult has been abused and is threatened with imminent
12 abuse shall promptly report the matter orally to the department.
- 13 ~~[(b)]~~ (c) The initial oral report required by subsection
14 (a) shall be followed as soon as possible by a written report to
15 the department; provided that where a police department is the
16 initiating agency, a written report shall not be required unless
17 the police department has declined to take further action and
18 the department informs the police department that it intends to
19 pursue the matter of the orally reported incident of abuse. All
20 written reports shall contain the name and address of the
21 dependent adult and the person who or care organization or care
22 facility which is alleged to have committed or been responsible



1 for the dependent adult abuse, if known; the nature and extent
2 of the dependent adult's injury or harm; and any other
3 information the reporter believes might be helpful in
4 establishing the cause of the dependent adult abuse.

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

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

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

17 ~~[(f)]~~ (g) The department shall maintain a central registry
18 of reported cases."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 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 employees or officers of the entity designated by the governor to provide advocacy services to persons with developmental disabilities and mental illness. (SB3050 HD2)

