

To the Honorable Members of the Senate Committee on Human Services and Public Housing,
as well as the Senate Committee on Judiciary and Labor.

Re: S.B. 2150 and public hearing on 2/5/08

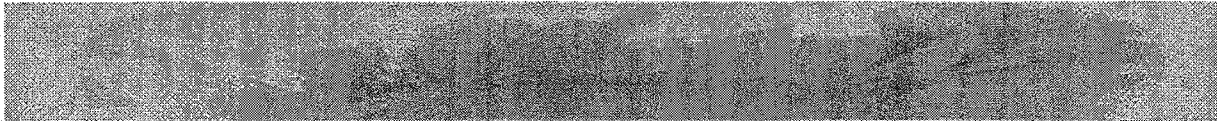
I am writing in support of S.B. 2150 which would expand the adult protective services law by extending protections to the vulnerable, and allow appropriate funds to the Department of Human Services. We need to catch up with other states in our dedication to protecting the aged and vulnerable. Having come from California, I can attest that several cases I attempted to report since I have been in Hawaii, were not even accepted as a report here due to gaping limitations in the current laws. Having experience and a specialty in geriatric care, I can say without a doubt that these same cases would have been taken urgently and seriously in the state of California. It is time for Hawaii to step up and make a more concerted, dedicated effort toward protecting it's kupuna.

Kirsten K. Nosek, LCSW

Licensed Clinical Social Worker

Liberty Dialysis Hawaii- Maui

Phone: (808) 856-2113 Fax (808) 244-5712





Hawaii's Voice for a Better Future

**To: Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
COMMITTEE ON HUMAN SERVICES & PUBLIC HOUSING**

**Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair
COMMITTEE ON JUDICIARY & LABOR**

From: Lyn Moku, Advocate Phone: 532-0806

Date: Tuesday, February 5, 2008

Subject: SUPPORT OF SB 2150 RELATING TO ADULT PROTECTION

Kokua Council, is one of Hawaii's oldest advocacy groups. We advocate and seek to empower seniors and other concerned citizens to be effective advocates in shaping the future and well-being of our community, with particular attention to those needing help in advocating for themselves. Kokua Council supports SB 2150, which expands the adult protective services law by extending protections to vulnerable adults and the appropriation of funds.

The present law is too restrictive requiring an adult be "dependent" (not living alone), and there be evidence of physical injury, psychological, sexual abuse, financial exploitation or neglect or maltreatment and in danger of imminent abuse. The result has been under-reporting of abuse since many cases cannot provide evidence of all 3 criteria of eligibility. The proposed bill changes "dependent" to "vulnerable" and requires only one other criteria – that the vulnerable adult had been abused or is in danger of being abused if immediate action is not taken.

Kokua Council believes that vulnerable adults of all ages who are mentally or physically disabled are particularly subject to risk of abuse, neglect and exploitation no matter where they live. Vulnerable means any adult who because of physical or mental impairment, is unable to make reasonable decisions to manage one's own resources, to carry out or arrange for essential activities of daily living or to protect oneself from abuse, neglect or financial exploitation without assistance from others.

**Kokua Council
c/o Harris United Methodist Church
20 S. Vineyard Boulevard – Honolulu, Hawaii 96813**

We support the broader definition of “caregiver neglect,” and the inclusion of social workers as authorized representatives of the department of human services. It is important to be more inclusive than restrictive especially when lives are endangered. There should be adequate staff to investigate all cases, keep records and monitor progress. Our mission includes “with particular attention to those needing help in advocating for themselves.”

For this reason Kokua council will support bills that:

- 1) Change the word “dependent” to “vulnerable”.
- 2) Require only one other criterion for eligibility.
- 3) Are the least restrictive as possible.
- 4) Have adequate staffing.

Please support SB 2150. Thank you for the opportunity to testify in favor of this bill.

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SENATE COMMITTEE ON HUMAN SERVICES & PUBLIC HOUSING
Senator Suzanne Chun Oakland, Chair

SENATE COMMITTEE ON JUDICIARY & LABOR
Senator Brian Taniguchi, Chair

Conference Room 016
Tuesday, February 5, 2008 at 1:15 p.m.

Testimony in support of SB 2150.

I am Coral Andrews, Vice President of the Healthcare Association of Hawaii, which represents the entire spectrum of health care, including acute care hospitals, two-thirds of the long term care beds in Hawaii, as well as home care and hospice providers. Thank you for this opportunity to testify in support of SB 2150, which amends Hawaii's adult protection law. Significantly, this bill extends the class of protected individuals from dependent adults to vulnerable adults.

The abuse, exploitation and neglect of vulnerable adults is well-documented as a national problem. Abuse happens everywhere -- in poor, middle class, and upper income households; in cities, suburbs, and rural areas.

Hawaii's adult protection law was originally passed in 1989. Since then, much has changed. We know much more about the reasons for the abuse of vulnerable adults and how to address it. This bill advances Hawaii's approach to protect vulnerable adults.

In 2007, the House and Senate passed different forms of a bill similar to SB 2150, but the conference committee could not come to a compromise agreement. Hopefully, SB 2150 will be successful this year.

Since the bill expands the State's authority, adequate staffing and training are needed to investigate cases and develop protective orders and service plans. The Healthcare Association supports funding for these purposes.

Last session's report by the House Committee on Human Services & Housing urges the affected agencies to develop a single form to report suspected cases of abuse or neglect. The law requires health care professionals, employees of health care providers, and certain others to report suspected cases of adult abuse. For each suspected case, three separate reports must be submitted to three separate government agencies, each of which has a different format. These reports can take hours to write. Much of the information is duplicative. The Healthcare Association agrees that a single format should be developed so that the report may be used by all three agencies.

For the foregoing reasons, the Healthcare Association supports SB 2150.

Representative Suzanne Chun Oakland, Chair
Representative Les Ihara Jr., Vice-chair
Committee on Human Services and Public Housing
Committee on Judiciary and Labor

Tuesday, February 5, 2008

Support of SB 2150, Relating to Adult Protection

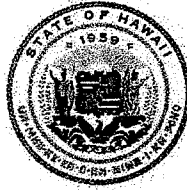
I, Akina Takahashi, am a Masters in Social Work student at the University of Hawaii at Manoa. I am currently doing my practicum at Hawaii Meals on Wheels. Due to my practicum experience and outside research on the topic I am testifying in favor of S.B. 2150, Relating to Adult Protection, which would expand protections to vulnerable adults.

The elderly population in Hawaii is continuously increasing. Current estimates assert that individuals age 60 and older make up about 18% of the general population and are expected to grow rapidly. Of those older individuals, 17% of them live alone. Some of these individuals who make up the 17% have caregivers and the current law in Hawaii protects them from abuse. With the existing use of term "dependent" to describe those individuals protected under APS, reports of elder abuse will only be investigated if the elder is actually dependent on another. In many cases though, the 17% of individuals living alone do not have a caregiver and cannot provide the necessary care for themselves. They cannot be referred to APS, but should be entitled to protection and aid. Therefore, the adult protective services law should be expanded to include all "vulnerable," adults.

Only three other states use the term dependent in their statute, however, none of them require actual dependence. A majority of other states apply the term "vulnerable," which is far more comprehensive because it includes those elder individuals who have no caregiver, but are in need of protection. Hawaii's rate of abuse reports are below the national average and this is not due to the fact that abuse is not occurring, but can be attributed to the restrictive requirements in abuse reporting.

During my time as a practicum student at Hawaii Meals on Wheels I have visited a number of elder individuals. I have seen first hand that many of them are unable to live independently yet there is no one to help them. After calling APS for information, I was told that the report will not be investigated because the client must be dependent.

In expanding the definition to include all vulnerable adults we are ensuring that a portion of our elderly who were previously excluded from services are now safe. I urge the committee to pass S.B. 2150. Thank you for this opportunity to testify.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
919 ALA MOANA BOULEVARD, ROOM 113
HONOLULU, HAWAII 96814
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
February 5, 2008

The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services and Housing
Twenty-Fourth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Senator Chun Oakland and Members of the Committee:

SUBJECT: SB 2150 – RELATING TO ADULT PROTECTION

The position and views expressed in this testimony do not represent nor reflect the position and views of the Department of Health and Department of Human Services (DHS).

The State Council on Developmental Disabilities (DD) **SUPPORTS THE INTENT OF SB 2150**. The purpose of SB 2150 is to expand the adult protective services law by extending protections to vulnerable adults and appropriate funds to DHS to implement the bill.

The Council is aware that SB 3049- Relating to Adult Protective Services and SB 3050 – Relating to Adult Protective Services also address protective services to vulnerable adults. We suggest that those bills, in addition to SB 2150, be incorporated into one bill. We defer to DHS regarding their administration bills (SB 3049 and SB 3050) and the National Association of Social Workers (NASW) who have been actively involved with other community groups, such as the Kupuna Caucus on SB 2150.

We would be willing to work with DHS, NASW, and others to incorporate language of the three above-mentioned bills into one bill.

Thank you for the opportunity to submit testimony supporting the intent of SB 2150.

Sincerely,

A handwritten signature in black ink that reads "Waynette K.Y. Cabral".

Waynette K.Y. Cabral
Executive Administrator

TESTIMONY
from the
Hawaii State Council on Developmental Disabilities

Testifier's Name: Waynette Cabral

Position Title: Executive Administrator

Organization: Hawaii State Council on Developmental Disabilities

Day, Date, and Time of Hearing: Tuesday, February 5, 2008, 1:15 p.m.

Measure Number: SB 2150- RELATING TO ADULT PROTECTION

Name of Committee(s): Senate Human Services and Public Housing (HSP)
Senate Judiciary and Labor (JDL)

Number of copies the Committee is requesting: 1 copy to Committee Clerk

Room Number: 226

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STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
919 ALA MOANA BOULEVARD, ROOM 113
HONOLULU, HAWAII 96814
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February 5, 2008

The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services and Housing
and

The Honorable Brian T. Taniguchi, Chair
Senate Committee on Judiciary and Labor
Twenty-Fourth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Senators Chun Oakland and Taniguchi and Members of the Committees:

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Thank you for the opportunity to submit testimony supporting the intent of SB 2150.

Sincerely,

Waynette K.Y. Cabral
Executive Administrator

LINDA LINGLE
GOVERNOR



LILLIAN B. KOLLER, ESQ.
DIRECTOR

HENRY OLIVA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

February 5, 2008

LATE

MEMORANDUM

TO: Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services and Public Housing

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 2150 - RELATING TO ADULT PROTECTION

Hearing: Tuesday, February 5, 2008, 1:15 p.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of S.B. 2150 is to expand the adult protective services law to vulnerable adults and to appropriate funds to the Department of Human Services.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports the intent of this bill to expand adult protective services to vulnerable adults. This bill is similar to Administration bills, SB. 3049 and H.B. 3127, that also propose expansion of the adult protective services program.

DHS has the following concerns about the provisions of S.B. 2150 and makes the following recommendations:

1. **Section 346-221, Purpose; construction:** The third paragraph in this section uses the terms "protection" and "vulnerable" repeatedly. We suggest that the first

abuse of vulnerable adults to DHS. We suggest that subsection (d) be amended to read as follows:

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

4. **Section 346-231, Order for immediate protection:**

Subsection (c)(4) refers to "imminent abuse". The definition for "imminent abuse" was deleted in this bill and replaced with references to "immediate abuse." We suggest that subsection (c)(4) be amended to read as follows:

"(4) ~~[Such]~~ Any other matters as may prevent ~~[imminent]~~ immediate abuse, pending a hearing under section 346-232."

Thank you for this opportunity to testify.