

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

March 11, 2008

MEMORANDUM

TO: Honorable Maile S.L. Shimabukuro, Chair
House Committee on Human Services & Housing

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 2150, S.D.2 - RELATING TO ADULT PROTECTION

Hearing: Tuesday, March 11, 2008, 8:30 a.m.
Conference Room 329, State Capitol

PURPOSE: The purposes of S.B. 2150, S.D.2 are to expand the adult protective services law to include 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 include vulnerable adults. This bill is similar to Administration bills, S.B. 3049 and H.B. 3127, that also propose expansion of the adult protective services program.

S.B. 2150, S.D.2, appropriates State funds to DHS to implement the proposed amendments to Chapter 346, Part X, HRS, in this bill. DHS is hopeful that no appropriation of general funds would be needed to implement this bill if the Department's existing resources can be successfully redescribed and staffed.

We will be in a better position to evaluate this situation in April.

If DHS cannot utilize existing resources as hoped, then the Department will need a total of \$1,714,332 for the first year of implementation. This total includes \$1,589,332 in personnel costs for 24 new adult protective services positions and \$125,000 for client resources and services needed during crisis intervention. For the second year of implementation and every year thereafter, DHS will need a total of \$1,591,485, including \$1,466,485 per year for personnel costs and \$125,000 per year for client resources and services.

Therefore, DHS cannot support this bill at this time as written because it would adversely impact or replace the priorities in the Executive Supplemental Budget.

Thank you for this opportunity to testify.



SB 2150, SD2 RELATING TO ADULT PROTECTION

House Committee on Human Services & Housing
March 11, 2008 8:30 a.m. Room
329

The Office of Hawaiian Affairs is providing testimony in support of SB 2150, SD2. Our interest in this issue is primarily based on our concerns that there are approximately 26,000 elderly Hawaiians residing in Hawaii, many whom are confronted with a myriad of challenges that may prevent them from living out the rest of their lives in safety, comfort, and dignity. More troubling is that in three years, when many of the post World War II "baby boomers" reach the age of 65, the population of elderly Hawaiians will likely triple in size, as will the elderly numbers within the general populace.

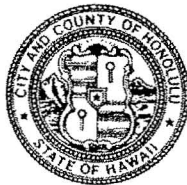
OHA strongly supports this measure because it partly addresses fundamental concerns about the health and safety of our kupuna, who, as they age and become more vulnerable, become victimized by the greed or insensitivity of others, sometimes those who are entrusted with their care. We believe the expanded authority provided by this bill, along with funding to the Department of Human Services to enforce provisions of the expanded law, to protect kupuna from abuse, neglect, and financial exploitation will serve as a deterrent to those who may prey upon our kupuna in their vulnerable condition.

Ensuring that our elderly are properly cared for is of utmost importance to OHA, and we urge your passage of this bill.

Mahalo nui loa for the opportunity to present testimony.

DEPARTMENT OF COMMUNITY SERVICES
CITY AND COUNTY OF HONOLULU

715 SOUTH KING STREET, SUITE 311 • HONOLULU, HAWAII 96813 • AREA CODE 808 • PHONE: 768-7762 • FAX: 768-7792



MUFI HANNEMANN
MAYOR

DEBORAH KIM MORIKAWA
DIRECTOR

ERNEST Y. MARTIN
DEPUTY DIRECTOR

March 11, 2008

The Honorable Maile S. L. Shimabukuro, Chair
The Honorable Karl Rhoads, Vice Chair
and Members of the Committee on Human Services and Housing
The House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Shimabukuro, Vice Chair Rhoads and Members:

Subject: Support of SB 2150 SD2, Relating to Adult Protection

The Elderly Affairs Division supports SB 2150 SD2. However, we are concerned about a change made to the bill we feel would weaken the law by narrowing its criteria. We agree with the deletion of the term "imminent" when describing the abuse situation's eligibility for APS services. In most cases the term "imminent" is replaced by the phrase "abuse...has occurred or is in danger of occurring if immediate action is not taken."

However, there are two instances the term "imminent" is just being replaced by the term "immediate" to describe the abuse in reference to the State Department of Human Services seeking a court order for protecting the victim of abuse. We feel that the original intent of the term "imminent" refers to an event that may happen whereas "immediate" refers to something that has to have happened. To make it more consistent with other changes that were made to the law, we recommend the following:

1. Delete the term "immediate" in Section 346-231, Subsection (c) (4).
2. Modify Section 346-231, Subsection (c) (10) to read: "Engaging in any other specified act that, based upon the facts alleged, would constitute harm or present a danger to the [~~dependent~~] vulnerable adult of being abused if immediate action is not taken or would cause the loss of the [~~dependent~~] vulnerable adult's property."

Thank you for this opportunity to testify.

Sincerely

A handwritten signature in black ink that reads "Karen K. Miyake".

Karen K. Miyake
County Executive on Aging
Elderly Affairs Division

CY:ab
cc: Office of the Mayor



CATHOLIC CHARITIES HAWAII

TO: Representative Maile S.L. Shimabukuro, Chair
Representative Karl Rhoads, Vice Chair
Committee on Human Services & Housing

FROM: 
Diane M. Terada, Division Administrator

DATE: Tuesday, March 11, 2008 (18:30 a.m., Room 329)

RE: **Support of SB 2150, SD2, Relating to Adult Protection**

Catholic Charities Hawaii (CCH), is a tax exempt, non-profit agency that has been providing social services in Hawaii for 60 years. **We strongly support SB 2150, SD2, Relating to Adult Protection.**

The Agency has been providing supportive home and community based services to elders since 1973 and currently serves approximately 5,000 older persons each year with services ranging from professional counseling and case management to transportation services.

It has been our general experience that when APS accepts a case, they do an excellent job of addressing the needs of the abused/neglected individual. The challenge for provider agencies, like Catholic Charities Hawaii, is the restrictive definition of the current law, which limits the ability of APS to accept cases. SB 2150, SD2 would make it possible for APS to address problems at an earlier point, without having to wait for elders/other vulnerable adults to become abused, neglected and lose all hope.

It is important that the bill retain the provision for funding to ensure that APS clients can receive the services they will need to remain safe in the community.

Catholic Charities Hawaii asks for your support of SB 2150, SD2, Relating to Adult Protection. Thank you.





Tues, March 11, 2008
House HSH
8:30 am

National Association of Social Workers

Hawaii Chapter

March 9, 2008

TO: Rep. Maile Shimabukuro, Chair
And members of the House Human Services and Housing Committee

FROM: Debbie Shimizu, LSW, Executive Director
National Association of Social Workers (NASW)

RE: SB 2150 SD2 Relating to Adult Protective Services- **STRONG SUPPORT**

Chair Shimabukuro and members of the House Human Services and Housing Committee, I am Debbie Shimizu, Executive Director of the National Association of Social Workers, Hawaii Chapter. I am testifying in **STRONG SUPPORT of SB 2150 SD2 relating to Adult Protective Services.**

Last session, NASW worked with advocates and the Kupuna Caucus on SB 1184 to amend HRS 346 to protect our state's vulnerable adults, however, that bill did not pass out of conference committee. During the interim, the Department of Human Services worked on a draft that incorporated many of the concerns that were expressed as we worked on SB 1184. NASW was invited to review DHS's initial draft and we were able to come to an agreement on a compromise draft. SB 2150 SD2 represents a compromise between DHS and NASW relating to changes in Adult Protective Services.

SB 2150 SD2 includes the following important changes:

- Adds definition of "vulnerable adult";
- Changes the definition of "abuse";
- Adds new definitions for "caregiver", "caregiver neglect", "financial exploitation", "physical abuse", "psychological abuse", "self neglect", "poor self care", and "sexual abuse";
- Mandates the department to investigate "upon receiving a report that abuse of a vulnerable adult has occurred OR is in danger of occurring if immediate action is not taken"; and
- Adds social workers to the list of mandated reporters when abuse of an elder is suspected.

We appreciate all the work the department has put into this new draft and respectfully request your favorable consideration of this bill.

Thank you for the opportunity to testify.



HOUSE COMMITTEE ON HUMAN SERVICES AND HOUSING
Rep. Maile Shimabukuro, Chair

Conference Room 329
March 11, 2008 at 8:30 a.m.

Testimony in support of SB 2150 SD 2.

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 SD 2, 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 the bill under consideration today, but the conference committee could not come to a compromise agreement. Hopefully, this bill 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 SD 2.

-----Original Message-----

From: manis [mailto:manis@lava.net]
Sent: Monday, March 10, 2008 11:37 AM
To: HSHtestimony
Subject: SB2150

Hawaii's Voice for a Better Future
3 copies
COMMITTEE ON HUMAN SERVICES & HOUSING
Rep. Maile S. L. Shimabukuro, Chair
Rep. Karl Rhoads, Vice Chair

March 11, 2008, 8:30AM, Conference Room 329

Testifier: Laura G. Manis

Subject: SUPPORT OF SB 2150 SD2 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.

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.

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 SD2. Thank you for the opportunity to testify in favor of this bill.

Laura G. Manis, Legislative Chair, Kokua Council
597-8838

March 9, 2008

To: Rep. Maile S. L. Shimabukuro, Chair.
Rep. Karl Rhoads. Vice-Chair
House Committee on Human Services and Housing

From: Mauricio A. Barrientos
MSW Student
UH-Manoa

Re: **Support for SB 2150 D2- Relating to Adult Protection**

I am submitting my support for SB2150-SD to this Committee since I strongly believe this measure would improve current statutes in regards to the safety of the elderly. Current APS statutes are very narrow in defining a "dependent adult" as a criteria for services; SB 2150-SD2 would extend the definition a "vulnerable adult" thus expending services to elderly adults who are vulnerable and do not fit the existing criteria as "dependent" leaving them expose to external and internal forces for exploitation.

The elderly are vulnerable to various forms of abuse that could go unreported and/or under-reported due to the loops in current legislation. This bill is an open opportunity to improve current statutes that would extend protection to vulnerable adults of cases reported to Adult Protective Services.

I thank you for the opportunity to participate in this process and for you support on this measure.

Respectfully,

Mauricio A. Barrientos, BSW
(808) 206-5063