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GOVERNOR



LILLIAN B. KOLLER, ESQ.
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STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

March 18, 2008

MEMORANDUM

TO: Honorable Tommy Waters, Chair
House Committee on Judiciary

FROM: Lillian B. Koller, Director

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

Hearing: Tuesday, March 18, 2008, 3:45 p.m.
Conference Room 325, 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.

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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
March 18, 2008

The Honorable Tommy Waters, Chair
House Committee on Judiciary
Twenty-Fourth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Representative Waters and Members of the Committee:

SUBJECT: SB 2150 SD2 – 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 SB 2150 SD2**. The purpose of SB 2150 SD2 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 supports the efforts of DHS in expanding its authority to investigate allegations of vulnerable adult abuse, neglect, and financial exploitation when there is reason to believe that a vulnerable adult has been abused or is in danger of being abused if immediate action is not taken. Changing the term “dependent adult” to “vulnerable adult” will expand DHS’ authority to respond, monitor and intervene, and provide protections for a broader population of vulnerable adults.

The Council would be willing to work with DHS and other stakeholders to develop a plan to build the capacity of community-based services to help with the provision of services under this bill.

The Council defers to DHS for the appropriation necessary for FY 2008-2009 to implement the provision of the bill.

Thank you for the opportunity to submit testimony in support of SB 2150 SD2.

Sincerely,


Waynette K.Y. Cabral
Executive Administrator

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CATHOLIC CHARITIES HAWAII

TO: Representative Tommy Waters, Chair
Representative Blake K. Oshiro, Vice Chair
Committee on Judiciary

FROM: 
Diane M. Terada, Division Administrator

DATE: Tuesday, March 18, 2008 (3:45 p.m., Room 325)

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.

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HOUSE COMMITTEE ON JUDICIARY
Rep. Tommy Waters, Chair

Conference Room 325
March 18, 2008 at 3:45 p.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. I regret that I shall not be able to testify in person due to a previous commitment. However, I appreciate this opportunity to submit written testimony 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 any funding that may be needed 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.

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The Twenty-Fourth Legislature
Regular Session of 2008

HOUSE OF REPRESENTATIVES
Committee on Judiciary
Rep. Tommy Waters, Chair
Rep. Blake K. Oshiro, Vice Chair

State Capitol, Conference Room 325
Tuesday, March 18, 2008; 3:45 p.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 2150, SD2
RELATING TO ADULT PROTECTION**

The ILWU Local 142 supports S.B. 2150, SD2, which expands the adult protective services law by extending protections to vulnerable adults.

The adult protective services law currently requires that the State may intervene only when a dependent adult is in need of protection. However, many adults who are living independently may be as much in need of such protection because they are vulnerable to abuse, neglect and lack of care. Amending the law will allow the State to provide services to a greater number of individuals, thereby fulfilling its obligation to serve the needy..

The ILWU urges passage of S.B. 2150, SD2. Thank you for the opportunity to testify on this measure.

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JUDtestimony

From: manis [REDACTED]
Sent: Saturday, March 15, 2008 11:08 AM
To: JUDtestimony
Subject: Testimony SB2150 SD2

Attachments: SB 2150SD2-2 Adult protect



SB 2150SD2-2 Adult
protect (67...

Below and in attachment is my testimony for SB2150 in case you can't open attachment. Thanks Laura Manis [REDACTED]

Kokua Council, Hawaii's Voice for a Better Future
Testifier: Laura G. Manis

COMMITTEE ON JUDICIARY
Rep. Tommy Waters, Chair
Rep. Blake K. Oshiro, Vice Chair

Tuesday, March 18th, 2008 3:45pm Conference Room 325

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.

We support the broader definition of 'caregiver neglect,'² 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.'²

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
[REDACTED]

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March 17, 2008

TO: Rep. Tommy Waters, Chair
And members of the House Judiciary 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 Waters and members of the House Judiciary 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.

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To: Representative Tommy Waters, Chair
Representative Blake K. Oshiro, Vice Chair
HOUSE COMMITTEE ON JUDICIARY

From: Lyn Moku, Division Manager
National Multiple Sclerosis Society

Phone: 532-0806

Date: Tuesday, March 18, 2008 3:35 p.m. Room 325

Subject: **SUPPORT OF SB2150 SD 2 RELATING TO ADULT PROTECTION**

The National Multiple Sclerosis Society supports SB2150 SD2 related to Adult Protection which expands the adult protective services law by extending protections to vulnerable adults and appropriates funds to the department of human services.

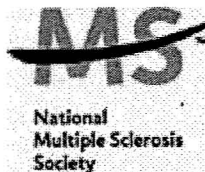
We are concerned about the needs of people with multiple sclerosis and other chronic diseases, the elderly, people with disabilities, and others who are vulnerable to abuse, neglect and exploitation. The MS Society supports their inclusion in adult protective services and other laws designed to protect them for the following reasons:

- By recognizing vulnerability, regardless of a person's elderly age, many people who fall into the "gap" group will benefit from the same protections as the elderly and people with disabilities.
- It expands the definitions of abuse, caregiver and caregiver neglect.
- It includes social workers in the list of professionals and directs them to report abuse or endangerment (if immediate action is not taken).
- It appropriation funds to include hiring additional staff, including social workers, to carry out this Act.

Please support SB2150 SD2. Thank you for the opportunity to testify.

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nationalMSSociety.org/hih

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