



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

January 30, 2012

**MEMORANDUM**

TO: The Honorable John M. Mizuno, Chair  
House Committee on Human Services

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 2098 - RELATING TO ELDER ABUSE**

Hearing: Monday, January 30, 2012; 8:30 a.m.  
Conference Room 329, State Capitol

**PURPOSE:** The purpose of H.B. 2098 is to authorize a private cause of action for financial exploitation of a vulnerable adult, allowing for the recovery of attorney fees, costs, and other punitive damages.

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports the intent of this bill to provide for victim compensation for any loss of funds or damages sustained by the vulnerable adult. The Department suggests, however, that this measure be placed in chapter 663, Hawaii Revised Statutes (HRS), Tort Actions, instead of chapter 346, HRS.

Thank you for the opportunity to provide comments on this bill.



HOUSE COMMITTEE ON HUMAN SERVICES  
Rep. John Mizuno, Chair

Conference Room 329  
January 30, 2012 at 8:30 a.m.

**Supporting HB 2098: Relating to Elder Abuse**

The Healthcare Association of Hawaii advocates for its member organizations that span the entire spectrum of health care, including all acute care hospitals, as well as long term care facilities, home care agencies, and hospices. In addition to providing quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing over 40,000 people. Thank you for this opportunity to testify in support of HB 2098, which authorizes any vulnerable adult who is injured by financial exploitation to sue in courts for damages. The bill also provides for punitive damages.

This bill is one of many that are designed to reduce elder abuse or to strengthen the infrastructure that cares for the elderly.

As elders become more physically frail, they are less able to stand up to bullying and/or to fight back if attacked. They may not see or hear as well or think as clearly as they used to, leaving openings for unscrupulous people to take advantage of them.

Elder abuse can take the form of physical abuse, emotional abuse, sexual abuse, neglect, abandonment, and financial exploitation. When abuse occurs, the State's Adult Protective Services program, as well as other relevant agencies, investigate reports of abuse and take corrective action.

An infrastructure has been created to prevent elder abuse and to address it when it happens. Some of its components include the following: (1) Respite care to provide relief for caregivers; (2) Public awareness campaigns; (3) Chore services to support the frail elderly; (4) Special provisions to encourage the reporting of abuse by certain professionals and institutions, including banks; (5) Ensuring sufficient funding for Adult Protective Services; and (6) Making fiduciaries, persons with power of attorney, and guardians more accountable for their actions. This infrastructure should be strengthened.

HAH supports a broad range of legislative measures designed to prevent elder abuse and to address it when it occurs. As such, we support HB 2098.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]  
Sent: Sunday, January 29, 2012 7:36 PM  
To: HUS testimony  
Cc: Brenda.Kosky@gmail.com  
Subject: Testimony for HB2098 on 1/30/2012 8:30:00 AM

Testimony for HUS 1/30/2012 8:30:00 AM HB2098

Conference room: 329  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Brenda Kosky  
Organization: Consumer Family & Youth Alliance  
E-mail: Brenda.Kosky@gmail.com  
Submitted on: 1/29/2012

Comments:

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]  
Sent: Sunday, January 29, 2012 10:57 AM  
To: HUS testimony  
Cc: robertscottwall@yahoo.com  
Subject: Testimony for HB2098 on 1/30/2012 8:30:00 AM

Testimony for HUS 1/30/2012 8:30:00 AM HB2098

Conference room: 329  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: Scott Wall  
Organization: Individual  
E-mail: robertscottwall@yahoo.com  
Submitted on: 1/29/2012

Comments:

I believe that our Kupuna deserve all the protection we can afford them.