



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-NINTH LEGISLATURE, 2017**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 199 , H.D. 1, RELATING TO ADULT PROTECTIVE SERVICES.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**DATE:** Tuesday, February 28, 2017                      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Erin K.S. Torres, Deputy Attorney General

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Chair Nishimoto and Members of the Committee:

The Department of the Attorney General appreciates the intent of this bill and has one suggested modification.

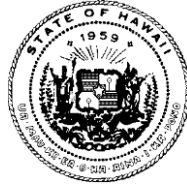
The purpose of this bill is to explicitly authorize the Department of Human Services to investigate and take protective action regarding allegations of physical isolation of vulnerable adults.

For the sake of clarity and consistency, it is recommended that paragraph (8) of the definition of "caregiver neglect" in section 346-222, Hawaii Revised Statutes, on page 3, at lines 16-19, in section 1 of the bill be revised to read as follows:

"Permit the vulnerable adult to communicate, receive visits, or interact with family, friends, and care providers; provided that this paragraph shall not apply to an act reasonably intended to protect the physical or mental welfare of the vulnerable adult, such as through protective orders, treatment plans, or instructions of the vulnerable adult's physician or other health care professional."

This revision would make this paragraph consistent with the definition of "physical isolation" located on page 1, at lines 5-11, in section 1 of the bill.

We respectfully recommend that the Committee make the suggested modification if it intends to pass this measure.



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

February 28, 2017

Revised Testimony

TO: The Honorable Scott Y. Nishimoto, Chair  
House Committee on Judiciary

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 199 HD 1 – RELATING TO ADULT PROTECTIVE SERVICES**

Hearing: Tuesday, February 28, 2017, 2:00 p.m.  
Conference Room 325, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of this bill, offers comments and proposed amendments.

**PURPOSE:** The purpose of the bill is to authorize DHS to investigate allegations of the physical isolation of vulnerable adults and take corrective action including obtaining judicial relief.

DHS recognizes that physical isolation may be a part of any reported abuse incident involving a vulnerable adult. Physical isolation could be used to conceal abuse or to prevent access to the vulnerable adult's support system. Current procedures for adult protective services (APS) investigations include documenting evidence of any physical or social isolation that adversely affects the health, safety, or welfare of the vulnerable adult. Any finding of isolation serves as evidence whether to support or refute an allegation of abuse as defined in section 346-222, Hawaii Revised Statutes (HRS), regardless of the type of abuse.

DHS makes the following comments and proposed amendments:

- We agree to the addition of the proposed definition of "physical isolation."

- We do not recommend the addition of "physical isolation" as new enumerated type of abuse without other indications that the vulnerable adult is being harmed. Instead, we suggest amending the definition of "abuse" to read:

""Abuse" means any of the following, separately or in combination:

- (1) Physical abuse;
- (2) Psychological abuse;
- (3) Sexual abuse;
- (4) Financial exploitation;
- (5) Caregiver neglect; or
- (6) Self-neglect;

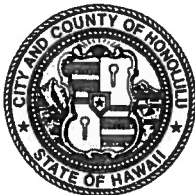
each as further defined in this chapter. Abuse does not include, and a determination of abuse shall not be based solely on, physical, psychological, or financial conditions that result when a vulnerable adult seeks, or when a caregiver provides or permits to be provided, treatment with the express consent of the vulnerable adult or in accordance with the vulnerable adult's religious or spiritual practices. Abuse may include physical isolation of the vulnerable adult. "

- We recommend the deletion of the proposed amendments to:
  - the definition of "caregiver neglect" (Section 1, paragraph 3, subsection (8), at page 3, lines 16-19), and
  - the definition of "psychological abuse" (~~physical isolation~~; at page 4, line 3).

Thank you for the opportunity to testify on this bill.

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL  
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LOUIS M. KEALOHA  
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CARY OKIMOTO  
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DEPUTY CHIEFS

OUR REFERENCE WO-DA

February 28, 2017

The Honorable Scott Y. Nishimoto, Chair  
and Members  
Committee on Judiciary  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Nishimoto and Members:

SUBJECT: House Bill No. 199, H.D. 1, Relating to Adult Protective Services

I am Walter Ozeki, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 199, H.D. 1, Relating to Adult Protective Services.

By adding the condition of "physical isolation" as a form of abuse, caregiver neglect, and/or psychological abuse to Section 346-222 of the Hawaii Revised Statutes, we acknowledge the damaging effects of physical isolation on the well-being of dependent adults. The change would enable our department to better protect these vulnerable adults against a previously ignored condition.

The HPD urges you to support House Bill No. 199, H.D. 1, Relating to Adult Protective Services.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

A handwritten signature in black ink, appearing to be "Cary Okimoto", written over a horizontal line.

Cary Okimoto  
Acting Chief of Police

A handwritten signature in black ink, appearing to be "Walter Ozeki", written over a horizontal line.

Walter Ozeki, Captain  
Criminal Investigation Division