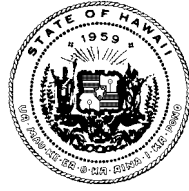


DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

February 11, 2021

TO: The Honorable Representative, Chair Ryan I. Yamane, Chair
House Committee on Health, Human Services, & Homelessness

FROM: Cathy Betts, Director

SUBJECT: **HB0980 – RELATING TO RIGHT TO ENTRY.**

Hearing: February 16, 2021, 10 a.m.
Via Videoconference Room, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) strongly supports this administration measure.

PURPOSE: The purpose of the bill is to broaden the department's right of entry into a vulnerable adult's premises without a warrant to conduct an investigation of a reported allegation of any type of abuse regardless of whether there is physical injury.

DHS Adult Protective & Community Services (APS) staff need broader authority to enter a vulnerable adult's home to ascertain the adult's welfare. Per section 346-222, Hawaii Revised Statutes (HRS), abuse against vulnerable adults is not limited to the visible injuries of physical abuse. Caregiver neglect, self-neglect, and financial exploitation are the most common types of abuse for which injuries are not necessarily visible.

Currently, section 346-229 (b), HRS, allows DHS to enter a vulnerable adult's premises without a warrant only when there is probable cause to believe that the vulnerable adult will be physically injured. As described above, abuse against vulnerable adults is not limited to physical abuse.

The proposal expands reported abuse from physical injury to “imminent abuse,” as defined in section 346-229 (b), HRS. The proposal will allow DHS the right of entry for all reported forms of “imminent abuse” against vulnerable adults. DHS can more rapidly assess the vulnerable adult, interrupt the reported abuse(s), initiate an investigation, and make prompt referrals to address and/or reduce the severity of risk and harms resulting from the reported abuse(s).

If left unchanged, the current law will continue to restrict entry to alleged physical abuse reports only and reduces DHS’ ability to assess and investigate reports of alleged financial exploitation, caregiver neglect, self-neglect, psychological abuse, and sexual abuse. Currently, DHS needs to obtain a court ordered warrant prior to entry into the vulnerable adult’s premises, prolonging the time to intervene in the reported abuse.

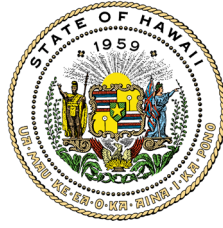
Delays to intervene in these cases could lead to further loss of financial resources to sustain the vulnerable adult in his or her home, shut-off or disconnect of the home’s utilities, lack of health or physical assistance, or prolonged psychological, or sexual abuse.

DHS recognizes our responsibility to place the fewest possible restrictions on a vulnerable adult’s personal liberty and to permit the vulnerable adult to exercise their constitutional rights consistent with protection from abuse. The privacy of a vulnerable adult’s premises, whether their home or other place of residence, is paramount to a vulnerable adult’s self-determination. However, reports of abuse against vulnerable adults continue to rise as Hawaii’s population ages. With this proposal, DHS intends to be proactive against elder abuse.

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

DAVID Y. IGE
GOVERNOR OF HAWAII

ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH



CAROLINE CADIRAO
DIRECTOR

Telephone
(808) 586-0100

Fax
(808) 586-0185

STATE OF HAWAII
EXECUTIVE OFFICE ON AGING
NO. 1 CAPITOL DISTRICT
250 SOUTH HOTEL STREET, SUITE 406
HONOLULU, HAWAII 96813-2831

**Testimony in SUPPORT of HB 980
Relating to Adult Protective Services**

COMMITTEE ON HEALTH, HUMAN SERVICES AND HOMELESSNESS
REPRESENTATIVE RYAN YAMANE, CHAIR
REPRESENTATIVE ADRIAN TAM, VICE CHAIR

Testimony of Caroline Cadirao
Director, Executive Office on Aging
Attached Agency to the Department of Health

Hearing Date: February 16, 2021
10 a.m.

Room Number: 329
Via Videoconference

1 **EOA's Position:** The Executive Office on Aging (EOA), an attached agency of the Department
2 of Health (DOH), is in strong support of House Bill 980, Relating to Adult Protective Services.

3 **Purpose and Justification:** The purpose of this bill is to amend HRS 346-229, subsection (b) to
4 broaden the Department of Human Services' right of entry into a vulnerable adult's premises
5 without a warrant for an investigation of any type of abuse regardless of whether there is
6 physical injury.

7 Elder abuse continues to be a "hidden" problem and continues to be underreported and often
8 unrecognized. Reports of elder abuse continue to rise as Hawaii's elderly population grows.

9 Under the current statute, HRS 349-226, the Department is restricted to warrantless entry when
10 there is probable cause to believe that a vulnerable adult will be physically injured. However,

11 under HRS 346-222 abuse is defined as physical abuse as well as psychological abuse, sexual
12 abuse, financial exploitation, caregiver neglect and self-neglect. The amendment proposed in

1 this bill will allow the Department to fully investigate and assess reports of all types of abuse
2 consistent with abuse as defined in HRS 346-222.

3 EOA strongly supports this bill. Expanding the Department's ability to investigate and assess all
4 types of abuse offers help and hope to vulnerable adults who may be victims of abuse.

5 Thank you for this opportunity to testify.

HB-980

Submitted on: 2/16/2021 7:17:52 AM

Testimony for HHH on 2/16/2021 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Amador	DHS APCS	Support	No

Comments:

Available only to answer questions asked of DHS. Testimony submitted seperately.

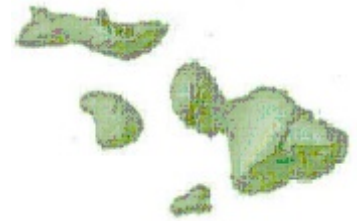
Stand on written testimony in strong support

MICHAEL P. VICTORINO
Mayor

ANDREW H. MARTIN
Acting Prosecuting Attorney

MICHAEL S. KAGAMI
First Deputy Prosecuting Attorney

ROBERT D. RIVERA
Second Deputy Prosecuting Attorney



DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

TESTIMONY
ON
H.B. 980 RELATING TO
ADULT PROTECTIVE SERVICES

February 16, 2021

The Honorable Ryan I. Yamane
Chair

The Honorable Adrian K. Tam
Vice Chair

and Members of the Committee on Health, Human Services, & Homelessness

Chair Yamane, Vice Chair Tam, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments concerning H.B. 980, Relating to Adult Protective Services. We would like to express our general support for H.B. 980. We agree with the sponsors of this bill that the abuse of vulnerable adults can take many forms, including financial exploitation and psychological abuse. We believe that vulnerable adults deserve to be protected from all forms of abuse, and expanding the right of entry statute to include non-physical forms of abuse would be a significant step towards achieving that goal.

For these reasons, the Department of the Prosecuting Attorney, County of Maui supports the passage of H.B. 980. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.

Thank you very much for the opportunity to provide testimony on this bill.

Representative Ryan I. Yamane, Chair
Representative Adrian K. Tam, Vice Chair
House Committee on Health, Human Services, & Homelessness

Kimberly Tan Supnet
(808) 675-6713

Tuesday, February 16, 2021

Support for H.B. No. 980, Relating to Adult Protective Services

My name is Kimberly Tan Supnet, and I am a registered nurse with experience working with vulnerable adults living in adult foster homes. I am testifying in strong support of H.B. No. 980, Relating to Adult Protective Services, which would help protect vulnerable adults against any form of abuse in the hands of their caregivers and other entities.

The abuse of vulnerable and elderly adults is common but frequently goes undetected. A 2008 national study of adults 60 years of age and older revealed that the prevalence of abuse or neglect in the previous year was 10%, and this figure solely reflects the incidents that were exposed. Unfortunately, little data is available to demonstrate the true prevalence of the abuse of vulnerable adults, and this may be due to the ease of its concealment.

Due to their mental, developmental, or physical impairment(s), vulnerable adults may be unable to communicate or protect themselves, which leaves them susceptible to abuse of any nature. Detection of the abuse of vulnerable and elderly adults decreases vulnerable and elderly adults' risks for abuse, physical or psychological injury, and/or death.

H.B. No. 980 would provide Adult Protective Services with the ability to detect and potentially prevent the abuse of vulnerable and elderly adults. This is a necessity, especially at the present with the ongoing COVID-19 pandemic, which may be facilitating the abuse of both vulnerable adults and other individuals who may be confined to their premises. A 2005 study found that over 60% of health care providers never asked their elderly patients about abuse. The current expansion of telehealth/telemedicine may further inhibit the identification of abuse due to the difficulty or inability to physically examine patients and/or due to the presence of patients' caregivers during virtual appointments.

Adult Protective Services must have the right to enter vulnerable adults' premises without need for a warrant for investigation. As a registered nurse who has worked alongside vulnerable and elderly adults living in the community, I have often come across patients who are unable to communicate or physically defend themselves, and in such cases, it is haunting to realize that there is almost no way to know what truly happens to these individuals when no advocate is present. Thus, I am grateful that Adult Protective Services acts on the behalf of these individuals when I or their loved ones are unable to do so.

In providing Adult Protective Services with the right to ascertain the welfare of vulnerable and elderly adults without a warrant for investigation, we will protect the vulnerable and elderly adults in our community, many of whom are our own families and friends. I urge the committee to pass H.B. No. 980. Thank you for this opportunity to testify.