
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP AND ADOPT
POLICIES THAT ENSURE NOTIFICATION BY ALL HEALTH CARE
FACILITIES AND HEALTH CARE PROVIDERS TO THE GOVERNOR-
DESIGNATED PROTECTION AND ADVOCACY ENTITY OR AGENCY PRIOR
TO TRANSFERRING ANY INDIVIDUAL OUT-OF-STATE TO A TREATMENT,
REHABILITATION, OR LONG-TERM CARE FACILITY.

1 WHEREAS, a very serious issue facing our state is the lack
2 of capacity currently in our community to provide adequate care
3 in community-based residential settings; and
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5 WHEREAS, this is true not only for individuals with
6 disabilities, but for the vast majority of elderly individuals
7 in need of basic medical care or assistance with their
8 activities of daily living; and
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10 WHEREAS, the lack of capacity will become more exacerbated
11 over time, as our population ages; and
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13 WHEREAS, one of the unfortunate results of this lack of
14 capacity has been a disturbing increase in the number of Hawaii
15 residents transferred from hospitals or treatment facilities in
16 Hawaii to facilities on the mainland; and
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18 WHEREAS, as an island community, we have a responsibility
19 to properly care for our elders and individuals with
20 disabilities; and
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22 WHEREAS, the notion of shipping our kupuna to the mainland
23 merely because they are old or ill and are occupying valuable
24 space in a hospital while they are waiting for a bed to open up
25 at a nursing home or care home is deplorable; and



1 WHEREAS, we need to reverse this alarming trend of sending
2 our local elders and citizens with disabilities to the mainland
3 simply because we lack the facilities to care for them here at
4 home; and

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6 WHEREAS, we must build, develop, and increase our capacity
7 to care for our people in a way that preserves their dignity and
8 allows them to reside in a community-based setting and receive
9 care appropriate to their needs; and

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11 WHEREAS, on a case-by-case basis, individuals who may be
12 subject to a transfer to a mainland facility need to be apprised
13 of their legal rights and need to be able to consult with a
14 suitable advocacy agency to determine whether their rights are
15 being violated or whether their needs are being met; and

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17 WHEREAS, Hawaii has a governor-designated protection and
18 advocacy system under section 333F-8.5, Hawaii Revised Statutes,
19 that is well designed and equipped to perform this function;
20 now, therefore,

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22 BE IT RESOLVED by the House of Representatives of the
23 Twenty-fourth Legislature of the State of Hawaii, Regular
24 Session of 2007, the Senate concurring, that the Department of
25 Health is hereby requested to develop and adopt policies that
26 ensure notification by all health care facilities and health
27 care providers to the protection and advocacy entity or agency
28 designated pursuant to section 333F-8.5, Hawaii Revised
29 Statutes, prior to transferring any individual out-of-state to a
30 treatment, rehabilitation, or long-term care facility; and

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32 BE IT FURTHER RESOLVED that certified copies of this
33 Concurrent Resolution be transmitted to the Governor, Director
34 of Health, and Director of Human Services.

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OFFERED BY:
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