
SENATE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND PROGRAM AUDIT
OF THE HAWAII DISABILITIES RIGHTS CENTER.

1 WHEREAS, the Hawaii Disabilities Rights Center (Center) is
2 the designated agency under section 333F-8.5, Hawaii Revised
3 Statutes (HRS), to provide advocacy services to persons with
4 developmental disabilities or mental illness; and
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6 WHEREAS, a designation of an agency such as the Center is a
7 prerequisite for the State to receive federal funds; and
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9 WHEREAS, Congress created a nationwide protection and
10 advocacy system for individuals with developmental disabilities
11 under the Developmental Disabilities Assistance and Bill of
12 Rights Act, as amended, to aid individuals with developmental
13 disabilities or mental illness and their families so that they
14 may gain access to appropriate support and services; and
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16 WHEREAS, the Center has access to records of any person
17 with developmental disabilities or mental illness, to the extent
18 required by federal law, as provided in section 333F-8.5, HRS;
19 and
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21 WHEREAS, the Department of Health has jurisdiction over
22 state funding for the Center and has the responsibility for the
23 performance of the Center; and
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25 WHEREAS, concerns have been raised about the Center's
26 abilities to fulfill its mission, particularly since it also
27 receives state funding; and
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29 WHEREAS, the Center has never been audited by the Auditor;
30 and



1 WHEREAS, a complete financial and program audit of the
2 Center is warranted to protect its vulnerable clientele; and
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4 WHEREAS, the current litigation pending in the United
5 States District Court for the District of Hawaii between the
6 Center and the Opportunities for the Retarded, Inc. raises
7 issues about the Center; now, therefore,
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9 BE IT RESOLVED by the Senate of the Twenty-fourth
10 Legislature of the State of Hawaii, Regular Session of 2007, the
11 House of Representatives concurring, that the Auditor is
12 requested to conduct a financial and program audit of the Center
13 and that the parties to the litigation between the Center and
14 Opportunities for the Retarded, Inc. are urged to amicably
15 settle the pending litigation; and
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17 BE IT FURTHER RESOLVED that the Auditor also investigate
18 whether the Center:
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- 20 (1) Is fulfilling its mission in a proper, objective, and
21 effective manner, including an evaluation of how the
22 Center exerts its authority over an organization,
23 subject to the Center's purview;
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- 25 (2) Is abusing its authority over its access to records of
26 persons with developmental disabilities or mental
27 illness;
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- 29 (3) Has in place appropriate grievance procedures and
30 alternative remedies to litigation for agencies over
31 which it has jurisdiction; and
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- 33 (4) Is being appropriately overseen by any state or
34 federal authority, and the scope of such authority;
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36 and
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38 BE IT FURTHER RESOLVED that the Auditor report its findings
39 and recommendations to the Legislature no later than 20 days
40 prior to the convening of the Regular Session of 2008; and



1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Hawaii Disabilities
3 Rights Center and the Director of Health.

