

MAR 14 2007

## SENATE 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 serious issue facing our State is the lack of  
2 capacity currently in our community to provide adequate care in  
3 community-based residential settings; and  
4

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  
9

10 WHEREAS, the lack of capacity will become more exacerbated  
11 over time, as our population ages; and  
12

13 WHEREAS, one of the unfortunate results of this lack of  
14 capacity has been a significant increase in the number of Hawaii  
15 residents transferred from hospitals or treatment facilities in  
16 Hawaii to facilities on the mainland; and  
17

18 WHEREAS, as an island community, we have a responsibility  
19 to properly care for our elders and individuals with  
20 disabilities; and  
21

22 WHEREAS, we need to reverse this trend of sending our local  
23 elders and citizens with disabilities to the mainland simply  
24 because we lack the facilities to care for them here at home;  
25 and  
26

27 WHEREAS, we must build, develop, and increase our capacity  
28 to care for our people in a way that preserves their dignity and



1 allows them to reside in a community-based setting and receive  
2 care appropriate to their needs; and

3

4 WHEREAS, on a case-by-case basis, individuals who may be  
5 subject to a transfer to a mainland facility need to be apprised  
6 of their legal rights and need to be able to consult with a  
7 suitable advocacy agency to determine whether their rights are  
8 being violated or whether their needs are being met; and

9

10 WHEREAS, Hawaii has a governor-designated protection and  
11 advocacy system under section 333F-8.5, Hawaii Revised Statutes,  
12 that is well designed and equipped to perform this function;  
13 now, therefore,

14

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

24

25 BE IT FURTHER RESOLVED that certified copies of this  
26 Concurrent Resolution be transmitted to the Governor, Director  
27 of Health, and Director of Human Services.

28

29

30

OFFERED BY:

  
\_\_\_\_\_

