HOUSE OF REPRESENTATIVES TWENTY-SEVENTH LEGISLATURE, 2013 STATE OF HAWAII H.B. NO. 3

A BILL FOR AN ACT

RELATING TO THE ELDERLY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECTION 1. Section 412:3-114.5, Hawaii Revised Statutes,
2	is amended to read as follows:
3	"[+]§412:3-114.5[+] Mandatory reporting of suspected
4	financial abuse of an elder. (a) A financial institution shall
5	report suspected financial abuse that is directed towards,
6	targets, or is committed against an elder to the [department of
7	human services] appropriate county police department if:
8	(1) In connection with providing financial services to the
9	elder, the officer or employee of a financial
10	institution:
11	(A) Has direct contact with the elder; or
12	(B) Reviews or approves the elder's financial
13	documents, records, or transactions; and
14	(2) The officer or employee, within the scope of
15	employment or professional practice:
16	(A) Observes or has knowledge of an incident the
17	officer or employee believes in good faith
18	appears to be financial abuse; or
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1	(B) In the case of officers or employers who do not
2	have direct contact with the elder, has a good
3	faith suspicion that financial abuse has occurred
4	or may be occurring, based solely on the
5	information present at the time of reviewing or
6	approving the document, record, or transaction.
7	(b) Suspected financial abuse shall be reported
8	[immediately] to the [department] appropriate county police
9	department immediately by telephone and followed by \underline{a} written
10	report sent [within five business days.] <u>via electronic mail</u>
11	immediately thereafter or as soon as practicable.
12	[(c) Upon notification by a financial institution of
13	suspected financial abuse, the department, in a timely manner,
14	shall-determine whether the department has jurisdiction over the
15	elder involved; and if not, shall notify the financial
16	institution, which shall then notify the proper local law
17	enforcement agency immediately by telephone and forward the
18	written report to the agency within three business days. A
19	financial institution shall not be liable for failing to report
20	suspected financial abuse to a local law enforcement agency in
21	cases in which the department fails to notify the institution of
22	the department's lack of jurisdiction.
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1 (d) (c) Notwithstanding any other state law to the 2 contrary, including but not limited to laws concerning confidentiality, any person, including the financial 3 4 institution, who: 5 Participates in the making of a report pursuant to (1)6 this section; and 7 (2) Believes, in good faith, that the action is warranted 8 by facts known to that person, shall have immunity from any liability, civil or criminal, that 9 10 might be otherwise incurred or imposed by or as a result of the 11 making of the report. Any person making the report shall have the same immunity with respect to participation in any judicial 12 13 proceeding resulting from the report. [(c)] (d) For the purposes of this section: 14 15 ["Department" means the department of human services.] 16 "Elder" means a person who is sixty-two years of age or 17 older. "Financial abuse" means financial abuse or economic 18 19 exploitation." 20 SECTION 2. Each Hawaii financial institution as defined 21 under section 412:1-109, Hawaii Revised Statutes, that is 22 subject to article 3, chapter 412, Hawaii Revised Statutes, 2013-0011 HB SMA-1.doc

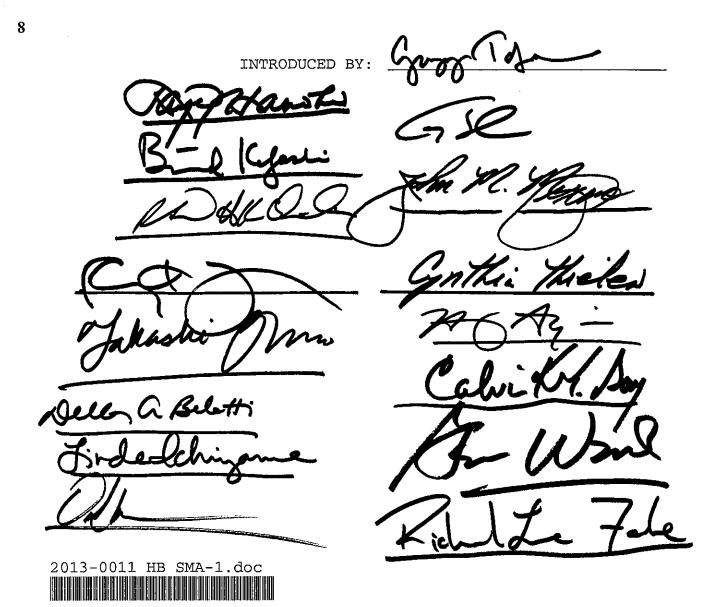
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shall develop and implement a training program for all of its
employees relating to the mandatory reporting requirements under
section 412:3-114.5, Hawaii Revised Statutes, of suspected
financial abuse of an elderly.

5 SECTION 3. Statutory material to be repealed is bracketed6 and stricken. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.

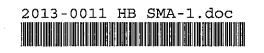


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Report Title:

Financial Abuse of an Elder; Mandatory Reporting; Training; Financial Institutions; Kupuna Caucus

Description:

Requires a financial institution to report suspected financial abuse against an elder to the appropriate county police department, rather than the department of human services, under certain conditions immediately by telephone and then followed by a written report sent via electronic mail. Repeals the department of human services as the contact agency responsible for determining whether the department has jurisdiction over the elder involved. Requires all financial institutions to develop and implement a training program for their employees regarding the reporting requirements for suspected financial abuse of an elderly.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

