
A BILL FOR AN ACT

RELATING TO ADULT PROTECTIVE SERVICES.

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

1 SECTION 1. Section 346-222, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted
4 and to read:

5 "Physical isolation" means denial of the ability and means
6 to communicate, visit, or interact with family, friends, and
7 care providers at reasonable times and on a reasonable number of
8 days."

9 2. By amending the definition of "abuse" to read:

10 "Abuse" means any of the following, separately or in
11 combination:

12 (1) Physical abuse;

13 (2) Physical isolation;

14 (3) Psychological abuse;

15 ~~(4)~~ (4) Sexual abuse;

16 ~~(5)~~ (5) Financial exploitation;

17 ~~(6)~~ (6) Caregiver neglect; or



1 [~~6~~] (7) Self-neglect [~~7~~],
2 each as further defined in this chapter. Abuse does not
3 include, and a determination of abuse shall not be based solely
4 on, physical, psychological, or financial conditions that result
5 when a vulnerable adult seeks, or when a caregiver provides or
6 permits to be provided, treatment with the express consent of
7 the vulnerable adult or in accordance with the vulnerable
8 adult's religious or spiritual practices."

9 3. By amending the definition of "caregiver neglect" to
10 read:

11 "Caregiver neglect" means the failure of a caregiver to
12 exercise that degree of care for a vulnerable adult that a
13 reasonable person with the responsibility of a caregiver would
14 exercise within the scope of the caregiver's assumed, legal or
15 contractual duties, including but not limited to the failure to:

- 16 (1) Assist with personal hygiene;
- 17 (2) Protect the vulnerable adult from abandonment;
- 18 (3) Provide, in a timely manner, necessary food, shelter,
19 or clothing;



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- 1 (4) Provide, in a timely manner, necessary health care,
2 access to health care, prescribed medication,
3 psychological care, physical care, or supervision;
- 4 (5) Protect the vulnerable adult from dangerous, harmful,
5 or detrimental drugs, as defined in section 712-1240;
6 provided that this paragraph shall not apply to drugs
7 that are provided to the vulnerable adult pursuant to
8 the direction or prescription of a practitioner, as
9 defined in section 712-1240;
- 10 (6) Protect the vulnerable adult from health and safety
11 hazards; [~~or~~]
- 12 (7) Protect the vulnerable adult from abuse by third
13 parties[-]; or
- 14 (8) Permit the vulnerable adult to communicate, receive
15 visits, or interact with family, friends, and care
16 providers at reasonable times and on a reasonable
17 number of days."

18 4. By amending the definition of "psychological abuse" to
19 read:

20 "Psychological abuse" means the infliction of mental or
21 emotional distress by use of threats, insults, harassment,



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1 humiliation, provocation, intimidation, physical isolation, or
2 other means that profoundly confuse or frighten a vulnerable
3 adult."

4 SECTION 2. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act shall take effect upon its approval.

7

INTRODUCED BY:



JAN 19 2017



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Report Title:

Adult Protective Services; Vulnerable Adult; Physical Isolation

Description:

Authorizes the Department of Human Services to investigate allegations of the physical isolation of vulnerable adults and take corrective action including obtaining judicial relief.

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

