
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. Physical isolation shall not include an act
8 reasonably intended to protect the physical or mental welfare of
9 the vulnerable adult, such as through protective orders,
10 treatment plans, or instructions of the vulnerable adult's
11 physician or other health care professional."

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

13 "Abuse" means any of the following, separately or in
14 combination:

15 (1) Physical abuse;

16 (2) Physical isolation;

17 [~~(2)~~] (3) Psychological abuse;



1 ~~[(3)]~~ (4) Sexual abuse;

2 ~~[(4)]~~ (5) Financial exploitation;

3 ~~[(5)]~~ (6) Caregiver neglect; or

4 ~~[(6)]~~ (7) Self-neglect ~~[,]~~ ,

5 each as further defined in this chapter. Abuse does not

6 include, and a determination of abuse shall not be based solely

7 on, physical, psychological, or financial conditions that result

8 when a vulnerable adult seeks, or when a caregiver provides or

9 permits to be provided, treatment with the express consent of

10 the vulnerable adult or in accordance with the vulnerable

11 adult's religious or spiritual practices."

12 3. By amending the definition of "caregiver neglect" to

13 read:

14 ""Caregiver neglect" means the failure of a caregiver to

15 exercise that degree of care for a vulnerable adult that a

16 reasonable person with the responsibility of a caregiver would

17 exercise within the scope of the caregiver's assumed, legal, or

18 contractual duties, including but not limited to the failure to:

- 19 (1) Assist with personal hygiene;
- 20 (2) Protect the vulnerable adult from abandonment;



- 1 (3) Provide, in a timely manner, necessary food, shelter,
- 2 or clothing;
- 3 (4) Provide, in a timely manner, necessary health care,
- 4 access to health care, prescribed medication,
- 5 psychological care, physical care, or supervision;
- 6 (5) Protect the vulnerable adult from dangerous, harmful,
- 7 or detrimental drugs, as defined in section 712-1240;
- 8 provided that this paragraph shall not apply to drugs
- 9 that are provided to the vulnerable adult pursuant to
- 10 the direction or prescription of a practitioner, as
- 11 defined in section 712-1240;
- 12 (6) Protect the vulnerable adult from health and safety
- 13 hazards; [~~or~~]
- 14 (7) Protect the vulnerable adult from abuse by third
- 15 parties [~~or~~]; or
- 16 (8) Permit the vulnerable adult to communicate, receive
- 17 visits, or interact with family, friends, and care
- 18 providers; provided that this paragraph shall not
- 19 apply to an act reasonably intended to protect the
- 20 physical or mental welfare of the vulnerable adult,
- 21 such as through protective orders, treatment plans, or



1 instructions of the vulnerable adult's physician or
2 other health care professional."

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

5 "Psychological abuse" means the infliction of mental or
6 emotional distress by use of threats, insults, harassment,
7 humiliation, provocation, intimidation, physical isolation, or
8 other means that profoundly confuse or frighten a vulnerable
9 adult."

10 SECTION 2. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act shall take effect on July 1, 2075.



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.
(HB199 HD2)

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