
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 [~~7~~],

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; [ø]
- 14 (7) Protect the vulnerable adult from abuse by third
15 parties[-]; 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 January 1, 2050.



Report Title:

Adult Protective Services; Vulnerable Adult; Physical Isolation

Description:

Includes physical isolation as a form of abuse, allegations of which the Department of Human Services is authorized to investigate and instances for which the Department may take corrective action, including obtaining judicial relief. Takes effect 1/1/2050. (SD1)

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