

ACT 104

S.B. NO. 2183-82

A Bill for an Act Relating to Long-Term Care Facilities.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 349-14, Hawaii Revised Statutes, is amended to read:

“[[§349-14]] Retaliatory acts by facilities or facility employees prohibited.

(a) No resident seeking advocacy assistance as provided for in[[]section 349-12[]] or making a complaint concerning a facility or [a facility’s] any of its employees shall be subject to any retaliatory act by the facility or any of its employees for seeking advocacy assistance or making a complaint[.]; provided that for the purposes of this chapter, the term “retaliatory act” shall include, but not be limited to, actual or threatened physical injury, psychological abuse or neglect, sexual abuse, negligent treatment, maltreatment, or any form of discrimination as reprisal for seeking advocacy assistance or making a complaint. A violation of this section shall be [determined] reported by the executive office on aging [subject to the provisions of chapter 91.] to the appropriate police department or prosecuting attorney.

(b) Any facility or facility employee who violates the provisions of this section shall be guilty of a misdemeanor. Each separate retaliatory act and each day during which any retaliatory act continues shall constitute a separate offense.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 3. This Act does not affect rights which matured, penalties which were incurred, or prosecutions which were begun prior to the effective date of this Act.

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

(Approved May 24, 1982.)