

ACT 193

H.B. NO. 2069-86

A Bill for an Act Relating to Elderly Abuse or Neglect.

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

SECTION 1. Section 349C-1, Hawaii Revised Statutes, is amended to read as follows:

“[[ ]§349C-1[ ]] **Definitions.** For the purposes of this chapter:

[(1) “Doctor” means any person licensed to practice medicine, osteopathy, dentistry, or any other healing art in the state;

(2)] “Elderly abuse or neglect” means actual or threatened physical injury, psychological abuse or neglect, sexual abuse, financial exploitation,

negligent treatment, or maltreatment of an elderly person caused by another person[; and].

(3) "Elderly person" means any person who is at least sixty-five years of age."

SECTION 2. Section 349C-2, Hawaii Revised Statutes, is amended to read as follows:

**“[ ]§349C-2[ ] Reports.** [Any doctor, registered nurse, social worker, police officer, other law enforcement officer, medical examiner, or coroner acting in the person’s professional capacity who has reason to believe that an elderly person is or has been the subject of elderly abuse or neglect shall promptly report the matter orally to the department of social services and housing. Any member of the staff of a hospital or medical facility examining, attending, or treating an elderly person who has reason to believe that the elderly person is or has been the subject of elderly abuse or neglect shall immediately notify the person in charge of the hospital or medical facility or the person’s designated representative. The person in charge of the hospital or medical facility or the designated representative shall immediately notify the department of social services and housing in accordance with this chapter.] (a) The following persons who, in the performance of their professional or official duties, know or have reason to believe that an elderly person has been abused or neglected or is threatened with abuse or neglect shall promptly report the matter orally to the department of social services and housing:

- (1) Any licensed or registered professional of the healing arts and any health-related occupation who examines, attends, treats, or provides other professional or specialized services to the elderly, including but not limited to physicians, psychologists, dentists, nurses, pharmacists, and other health-related professionals;
- (2) Employees or officers of any public or private agency or institution providing social, medical, hospital, or mental health services, including financial assistance;
- (3) Employees or officers of any law enforcement agency, including but not limited to the courts, police departments, correctional institutions, and parole or probation offices;
- (4) Employees or officers of any adult residential care home, adult day care center, or similar institution;
- (5) Medical examiners or coroners.

(b) This section does not prohibit any of the persons enumerated in subsection (a) from reporting incidents which such persons have reason to believe involve abuse or neglect which come to their attention in any private or non-professional capacity.

(c) Any other person who has reason to believe that an elderly person has been abused or neglected or is threatened with abuse or neglect may report the matter orally to the department.

(d) The initial oral report shall be followed as soon as possible by a report in writing to the department of social services and housing; provided that where a police department is the initiating agency, a written report shall not be required unless the police department has declined to take further action and the department of social services and housing informs the police department that it intends to pursue the matter of the orally reported incident of elderly abuse or neglect. All written reports shall contain the name and address of the elderly person and the person who is alleged to have committed or been responsible for the elderly abuse or neglect, if known, the nature and extent of the elderly

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person's injury or harm, and any other information the reporter believes might be helpful in establishing the cause of the elderly abuse or neglect.

[Any other person who has reason to believe that an elderly person is or has been the subject of elderly abuse or neglect may report the matter orally to the department of social services and housing.]

(e) Any person who fails to file a report pursuant to this section shall be fined no more than \$500."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved May 19, 1986.)