

STAND. COM. REP. NO.

1668

Honolulu, Hawaii

RE: H.B. No. 833
H.D. 2
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 833, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT,"

begs leave to report as follows:

The purpose of this measure is to exempt Medicaid waiver
service from the scope of worker's compensation, temporary
disability and prepaid health care laws.

Your Committee received testimony in support from Life
Connections, Inc., Aloha Habilitation Services, Inc., Nursing
Advocates & Mentors, Inc., Catholic Charities Hawai'i, Filipino
Coalition for Solidarity, Congress of Visayan Organizations,
National Federation of Filipino American Associations, Oahu
Filipino Community Council, Philippine Nurses Association-Hawaii,
Responsive Caregivers of Hawaii, Home & Community Services of
Hawaii, Inc., Kobayashi Sugita & Goda, United Filipino Council of
Hawaii, and Supporting Exceptional Citizens of Hawaii. Comments
were received from the Attorney General, the Department of Labor
and Industrial Relations (DLIR) and the State Council on
Developmental Disabilities and eighteen private citizens.
Opposing testimony was received from a private citizen.

Currently, numerous individuals provide a valuable service to
the State of Hawaii by providing Medicaid waiver services to
disabled and elderly adults. Sections 386-1, 392-5 and 393-5,
Hawaii Revised Statutes, already exempt providers of Medicaid

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waiver services in the employ of the "recipient of social service payments".

Your Committee finds that this measure is necessary to clarify that the "recipient of social service payments" includes a "corporation or private agency that contracts directly with the department of human services". Such clarification is consistent with existing law and reflects the past practices of Medicaid waiver service providers under the prior determinations of the law by the Director of Labor and Industrial Relations.

Your Committee finds that this measure properly clarifies the existing exemptions in sections 386-1, 392-5 and 393-5, Hawaii Revised Statutes, (HRS), by including domestic services in the exemptions while excluding Medicaid waiver services known as "adult day health" from the exemptions. While "adult day health" services were previously covered under these existing exemptions, the industry practice has been to utilize employees to provide such services at day care facilities.

Your Committee has amended the measure by requiring a study to be done on the financial impact and consequences for service providers who provide Medicaid waiver service for persons with developmental disabilities and mental retardation as recommended by the State Council on Developmental Disabilities. This study is warranted even though this measure does not expand the scope of the existing exemptions in sections 386-1, 392-5, and 393-5, HRS.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 833, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 833, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

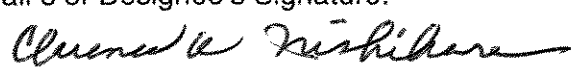


CLAYTON HEE, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 833 HD280	Committee Referral: HSP, JDL	Date: 30 am 3/29/07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
KOKUBUN, Russell S. (VC)				✓
INOUYE, Lorraine R.				✓
NISHIHARA, Clarence K.	✓			
GABBARD, Mike	✓			
TOTAL	3			32
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

*Only one measure per Record of Votes