

STAND. COM. REP. NO. 1745

Honolulu, Hawaii

APR 13 2007

RE: S.C.R. No. 170
S.D. 1

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

Madam:

Your Committee on Health, to which was referred S.C.R.
No. 170 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF
HEALTH TO DEVELOP AND ADOPT POLICIES THAT ENSURE NOTIFICATION
BY ALL HEALTH CARE FACILITIES AND HEALTH CARE PROVIDERS TO
THE GOVERNOR-DESIGNATED PROTECTION AND ADVOCACY ENTITY OR
AGENCY PRIOR TO TRANSFERRING ANY INDIVIDUAL OUT-OF-STATE TO A
TREATMENT, REHABILITATION, OR LONG-TERM CARE FACILITY,"

begs leave to report as follows:

The purpose of this measure is to protect individuals from
being unnecessarily transferred to out-of-state health care
facilities by requesting the Department of Health to develop and
adopt policies that ensure notification by all health care
facilities and health care providers to the governor-designated
protection and advocacy entity or agency prior to transferring any
individual out-of-state to a treatment, rehabilitation, or
long-term care facility.

Your Committee amended this measure by deleting its title,
purpose, and substance, and inserting language to ensure that the
residents of Kauai have access to quality health care services by
requesting the State Health Planning and Development Agency to
immediately investigate and determine whether Hawaii Pacific
Health/Wilcox Memorial Hospital/Kauai Medical Clinic has violated
the 2001 Certificate of Need agreement and as necessary, impose
fines or withdraw the Certificate of Need approval.



Your Committee circulated a proposed S.C.R. No. 170, S.D. 1, that contained these amendments and conducted a hearing on it. Your Committee received testimony in support of the proposed measure from six individuals. The Department of Health and the State Health Planning and Development Agency submitted comments on this measure.


Your Committee finds that the Hawaii Pacific Health merger with Wilcox Memorial Hospital and its Kauai Medical Clinic needs to be reviewed and investigated for possible violations of their Certificate of Need agreement. Although the Department of Health submitted testimony stating that they are in the process of reviewing the implementation of the merger, it is the intent of your Committee to articulate the importance of finding a prompt resolution to this matter.

Upon further consideration, your Committee amended the proposed S.D. 1 by:

- (1) Clarifying that the State Health Planning and Development Agency should investigate and mediate other remedies available, as well as the imposition of fines or the withdrawal of the Certificate of Need approval;
- (2) Including in the investigation of the Certificate of Need agreement, interviews with physicians to investigate alternative solutions to complete revocation; and
- (3) Including in the investigation of the Certificate of Need agreement a minimum of one public hearing on Kauai.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 170, as amended herein, and recommends its adoption in the form attached hereto as S.C.R. No. 170, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Health,

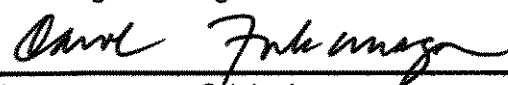


DAVID Y. IGE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:
SCR 170	HTH	4/5/07
<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	
IGE, David Y. (C)	✓	
FUKUNAGA, Carol (VC)	✓	
BAKER, Rosalyn H.	✓	
MENOR, Ron		✓
WHALEN, Paul		✓
TOTAL	3	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: 		
Distribution:	Original	Yellow
File with Committee Report	Clerk's Office	Pink
		Drafting Agency

*Only one measure per Record of Votes