

STAND. COM. REP. NO.

592

Honolulu, Hawaii

FEB 16 2007

RE: S.B. No. 1190
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 Human Services and Public Housing, to which was referred S.B. No. 1190 entitled:

"A BILL FOR AN ACT RELATING TO LONG-TERM CARE,"

begs leave to report as follows:

The purpose of this measure is to establish an Office of the Long-Term Care Ombudsman within the Executive Office on Aging, and appropriate funds for the office to hire additional staff and to support the office's operating costs to ensure adequate services on the neighbor islands.

The Department of Health submitted testimony in support of the intent of this measure. The Long-Term Care Ombudsman, the Policy Advisory Board for Elder Affairs, the National Association of Social Workers, Kokua Council, and four individuals submitted testimony in support of this measure.

Your Committee received a fiscal impact statement from the Department of Health that this measure, if passed, would cost the State approximately \$341,980 for fiscal year 2007-2008, and \$341,980 for fiscal year 2008-2009. In addition, the Long-Term Care Ombudsman provided a statement that this measure, if passed, would cost the State approximately \$311,628 for fiscal year 2007-2008, and \$236,628 for fiscal year 2008-2009.

Your Committee finds that the Executive Office on Aging's Long-Term Care Ombudsman Program is mandated by the United States Administration on Aging through the Older Americans Act. The

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Long-Term Care Ombudsman currently advocates for and protects the rights of residents of nursing homes, adult residential care homes, assisted living facilities, and other long-term care facilities. However, there is no statutory provision for the establishment of an Office of the Long-Term Care Ombudsman.

The program is staffed by the Long-Term Care Ombudsman, one Long-Term Care Ombudsman specialist, and one volunteer coordinator. The Long-Term Care Ombudsman Program serves over eight thousand residents in approximately seven hundred thirty-one licensed facilities statewide. The Long-Term Care Ombudsman Program needs to hire regional program specialists to better provide for residents of long term care facilities on the neighbor islands.

It is your Committee's intent to formally establish an Office of the Long-Term Care Ombudsman pursuant to the federal Older Americans Act, as amended. Your Committee has amended this measure by:

- (1) Updating provisions in accordance with the federal Older Americans Act, as amended, including:
 - (A) Making it a misdemeanor for any individual to wilfully interfere with the Long-Term Care Ombudsman or designee;
 - (B) Requiring long-term care facilities to provide brochures to their residents, and post a poster in a conspicuous location with information, regarding the Office of the Long-Term Care Ombudsman;
 - (C) Requiring the Long-Term Care Ombudsman and any designee, employee, or volunteer to be free of conflict;
 - (D) Defining "conflict of interest" and amending the definition of "long-term care facility";
 - (E) Enabling a complainant or resident, under certain circumstances, to consent orally to the disclosure of the complainant's or resident's identity; and
 - (F) Requiring the Department of Health to adopt rules, including the establishment of administrative fines



or other penalties, for violation of the section pertaining to access to long-term care facilities;

- (2) Changing the appropriation sum from \$341,980 to \$311,628 for fiscal year 2007-2008, and from \$341,980 to \$236,627 for fiscal year 2008-2009; and
- (3) Making technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services and Public Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1190, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1190, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Human Services and
Public Housing,

Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Human Services and Public Housing
HSP

Bill / Resolution No.:* SB 190	Committee Referral: HSP, WAM	Date: 2-8-07		
<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
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
SAKAMOTO, Norman				✓
HEMMINGS, Fred	✓			
TOTAL	3	0	0	1
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