

House Committee on Health
Rep. Josh Green, M.D., Chair
Rep. John Mizuno, Vice Chair

House Committee on Human Services and Housing
Rep. Maile S.L. Shimabukuro
Rep. Karl Rhoads, Vice Chair

LATE
Testimony

H.B. 2111 Relating to Long Term Care Ombudsman
Conference Room 329, 9:00 a.m.
January 23, 2008

Testimony of Rebecca Drake
Long Term Care Ombudsman Volunteer
In support of HB 2111

Good morning Chairs Green and Shimabukuro, Vice Chairs Mizuno and Rhoads and members of the joint committees.

My name is Rebecca Drake. I am a social work student attending Hawaii Pacific University as well as a volunteer representative with the Long Term Care Ombudsman Program (LTCOP).

I am here today to testify in support of the proposed H.B. 2111 which would “expand the LTCOP by adding an additional three ombudsman positions, one for each neighboring county.”

The U.S Administration on Aging mandates that each state establish a LTCOP to protect the rights of residents living in nursing homes, care homes and/or assisted living facilities. Hawaii’s LTCOP operates out of the Executive Office of Aging and receives both Federal and State funding.

LTCOP staff and volunteer representatives provide a number of valuable services for residents. Some of which include;

- Educating consumers and care providers about resident rights.
- Investigating complaints made by or on behalf of residents.
- Advocating for resident rights and improved quality of care.
- Promoting community support and involvement.
- Organize and arrange family/resident councils.
- Works with other community agencies to improve standards and level of care.
- Provide information or provide referral information to residents, families, and general public.

The Nursing Home Reform Law of 1987 mandates that each nursing facility resident have “regular, direct and immediate access to ombudspersons when protection and

advocacy services become necessary.” This means that a visit must be made within 48 hours of a resident’s complaint. The A.O.A recommends that each resident receive quarterly visits at the very least. There are 503 long term care facilities in Hawaii, 120 are located on neighboring islands. This would require the ombudsman to make 480 outer island trips annually.

The National Institute of Medicine’s 1995 report “Real People, Real Problems” recommends a minimum of one ombudsman per 2,000 residents. The national average is one ombudsman per 2,208 residents. Hawaii currently has one ombudsman per 4,065 residents.

Hiring an additional three ombudsman positions for Maui, Kauai, and Hawaii would better serve residents and local communities by providing;

- Quicker responses to complaints, questions and concerns.
- The ability to recruit and train new volunteers.
- Prevention of possible abuse and neglect by making regular visits.
- Continual monitoring of residents and law implementation of facility and staff.
- Greater access to legislative representatives and ability to organize and work with family and resident councils.

The number of older adults (60+) living in Hawaii continues to increase. According to E.O.A’s “Hawaii State Plan on Aging 2008-2011”, the older adults population increased 82% from 1980-2000. The population of people aged 85+ increased 216% during the twenty year time frame. They estimate that one out of four people in Hawaii will be 60+ by 2030. Predications also indicate an increased elder population moving to both Maui and Hawaii counties by the year 2015.

It is important to promote prevention. Addressing the need for staff expansion of the LTCOP today will allow for an easier tomorrow. “Local” or “regional” representatives would allow residents living in neighboring islands the same services provided to those living in Oahu.

Thank you for this opportunity to testify.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

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The Twenty-Fourth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Labor and Public Employment

**LATE
Testimony**

Testimony by
Hawaii Government Employees Association
January 22, 2008

H.B. 2111 – RELATING TO LONG TERM CARE OMBUDSMAN

The Hawaii Government Employees Association supports H.B. 2111 which “expands the Long Term Care Ombudsman (LTCO) by adding three additional ombudsman positions, one for each neighboring county.” Last year’s H.B. 807 officially “established” the LTCO Program (LTCOP) within the Executive Office on Aging in HRS 349, 21-25 (Part 3). We are now one of only 5 remaining states which still do not have a “local” or “regional” ombudsman program. This bill will finally bring us up to speed with every other state, Puerto Rico, Guam and the District of Columbia.

The neighbor island residents have been waiting since 1978 to have the same “regular and timely access to services” provided by the LTCOP as Oahu. They have been paying the same federal and state taxes. By having a “local” ombudsman who knows the “local” people and “local” culture, that person can better serve their community. There will be greater access and influence with the Area Agency on Aging, County Council, legislative representatives and the local media can educate the public about long term care (LTC) issues. The response time to complaints and concerns will be done more timely; more regular and consistent visits to facilities can be conducted and be more pro-active in preventing abuse, neglect and exploitation of our Kupuna. The goal of the LTCOP is 1 volunteer per every LTC facility. Neighbor island residents are entitled to a full-time advocate.

Currently the needs of Hawaii’s long term care residents are not being met nor are we meeting the federal mandate. With adequate staffing and funding, Hawaii will be able to deliver the services and provide the quality of care our Kupuna’s should be receiving. We ask for your consideration of this proposal.

Thank you for the opportunity to testify in support of this measure.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director

LINDA LINGLE
GOVERNOR OF HAWAII

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH



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LATE
Testimony

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House Committees on Health/Human Services & Housing

H.B. 2111, Relating to Long Term Care Ombudsman

Testimony of Noemi Pendleton
Director of Executive Office on Aging
Attached Agency to Department of Health

January 23, 2008

9:00 a.m. Conference Room 329

- 1 **Department's Position:** The Department of Health and the Executive Office on Aging appreciate
- 2 the intent of this measure, provided that its passage does not replace or adversely impact the
- 3 priorities set forth in the Executive Supplemental Budget.
- 4 **Fiscal Implications:** There is an unspecified appropriation of general funds for fiscal year 2008-
- 5 2009 to the Department of Health.
- 6 **Purpose and Justification:** The purpose of H.B. 2111 is to expand the long-term care
- 7 ombudsman program by adding three additional ombudsman program positions, one for each
- 8 neighboring county, and to provide funding to support those 3 programs.
- 9 Per the Older Americans Act of 1965 (OAA), the role of the Long Term Care Ombudsman
- 10 (LTCO) is to "serve on a full-time basis and shall, personally or through representatives of the
- 11 Office, identify, investigate, and resolve complaints that are made by, or on behalf of residents,
- 12 and relate to action, inaction, or decisions that may adversely affect the health, safety, welfare and
- 13 rights of residents."

1 The LTCO Program (LTCOP) advocates for seniors living in licensed nursing facilities (NF),
2 assisted living facilities (AL), adult residential care homes (ARCH) and expanded ARCHs. That
3 total population in Hawai'i is approximately 8,129 residents in 503 facilities.

4 The OAA mandates all residents "have regular and timely access to the LTCOP services." The
5 U.S. Administration on Aging (AOA) interprets this as "every resident is visited quarterly."
6 Hawaii has 120 Neighbor Island LTC facilities (NFs, ARCHs, ALs).

7 The ultimate goal of the LTCOP is to have a volunteer Ombudsman Representative in
8 every facility visiting residents weekly so they can respond more quickly to residents' concerns.
9 They can provide more regular and consistent visits to facilities and be more pro-active in
10 preventing potential abuse, neglect and exploitation of our Kupuna.

11 Currently, there are three qualified Ombudsman specialists in the Executive Office on
12 Aging who are charged with assuring advocacy and patient rights protection for seniors living in
13 licensed care facilities throughout the state.

14 Should there be additional staff, the LTCOP could provide: more trainings for facility
15 staff promoting individualized care/cultural change; better and more consistent routine facility
16 monitoring to help residents resolve concerns at the facility level; better monitoring of federal and
17 state laws and regulations; more community education presentations for consumers; more
18 consultations to facility staff to help reduce problems; more technical support for Resident and
19 Family Councils; more time to explore other ways to increase total program funding; and greater
20 ability to increase the number of certified volunteer ombudsmen.

21 Thank you for this opportunity to testify.

LATE
Testimony

TESTIMONY TO THE TWENTY-FOURTH STATE LEGISLATURE, 2008 SESSION

To: House Committee on Health
House Committee on Human Services and Housing

From: Gary L. Smith, President
Hawaii Disability Rights Center

Re: House Bill 2111
Relating to Long Term Care Ombudsman

Hearing: Wednesday, January 23, 2008 9:00 AM
Conference Room 329, State Capitol

Members of the Committee on Health
Members of the committee on Human Services and Housing

Thank you for the opportunity to provide testimony supporting House Bill 2111, Relating to Long Term Care Ombudsman

I am Gary L. Smith, President of the Hawaii Disability Rights Center, formerly known as the Protection and Advocacy Agency of Hawaii (P&A). As you may know, we are the agency mandated by federal law and designated by Executive Order to protect and advocate for the human, civil and legal rights of Hawaii's estimated 180,000 people with disabilities.

We support this bill because it is important that the neighbor island residents receive the services that the Long Term Care Ombudsman provides. We have worked with their office inasmuch as there are certain situations where the needs of our respective clients have overlapped. We have always found the office to be helpful and to be providing a very valuable service. Passage of this bill will enable them to better offer these services to all citizens of our state.

Thank you for the opportunity to provide testimony in support of this bill.

May Mizuno

LATE
Testimony

From: Alvin E. Toda [aet@lava.net]
Sent: Tuesday, January 22, 2008 3:36 PM
To: HLTtestimony
Cc: Alvin E. Toda
Subject: Testimony re. HB 2111 Relating to Long Term Care Ombudsman, funding for more positions for outer islands.

HOUSE COMMITTEE ON HEALTH

Rep. Josh Green, M.D., Chair

Rep. John Mizuno, Vice Chair

HOUSE COMMITTEE ON HUMAN SERVICES & HOUSING

Rep. Maile S. L. Shimabukuro, Chair

Rep. Karl Rhoads, Vice Chair

Committee Meeting on Wednesday, January 23, 2008, 9am in the Conference Room 329 of the Hawaii State Capitol.

Dear Honorable Chairs:

I have taken care of my parents as a primary care giver until their passing about 7 years ago. There is much needed for care of the elderly and I support this funding to improve our Long Term Care facilities in this state.

Aloha, Alvin E. Toda



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The Twenty-Fourth Legislature, State of Hawaii
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Respectfully submitted,

Nora A. Nomura
Deputy Executive Director

