



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME LOCAL 152, AFL-CIO

888 MILILANI STREET, SUITE 601 • HONOLULU, HAWAII 96813-2991



Randy Perreira *Executive Director*
Tel: 808 543-0011 Fax: 808 528-0922

Nora A. Nomura *Deputy Executive Director*
Tel: 808 543-0003 Fax: 808 528-0922

Derek M. Mizuno *Deputy Executive Director*
Tel: 808 543-0055 Fax: 808 523-6879

THE SENATE
THE TWENTY-FOURTH LEGISLATURE, STATE OF HAWAII
REGULAR SESSION OF 2008
COMMITTEE ON WAYS AND MEANS
Senator Rosalyn H. Baker, Chair
Senator Shan S. Tsutsui, Vice Chair

Testimony by
HGEA/AFSCME Local 152, AFL-CIO
February 22, 2008

S.B. 2151, S.D. 1 – RELATING TO LONG-TERM CARE OMBUDSMAN

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO, supports S.B. 2151, S.D. 1, which “expands the Long-Term Care Ombudsman (LTCO) by adding three additional ombudsman positions, one for each neighboring county.” Hawaii is one of only five remaining states which does 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 over thirty years to have the same “regular and timely access to services” provided by the LTCO program as Oahu and 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 be a better advocate and is more accessible to service their community. The response time to address 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 LTCO program is one volunteer for every long-term care facility. Neighbor island residents have waited long enough and 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



HAWAII DISABILITY RIGHTS CENTER

900 Fort Street Mall, Suite 1040, Honolulu, Hawaii 96813

Phone/TTY: (808) 949-2922 Toll Free: 1-800-882-1057 Fax: (808) 949-2928

E-mail: info@hawaiidisabilityrights.org Website: www.hawaiidisabilityrights.org

TESTIMONY TO THE TWENTY-FOURTH STATE LEGISLATURE, 2008 SESSION

To: Senate Committee on Ways and Means

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

Re: Senate Bill 2151, SD1
Relating to Long Term Care Ombudsman

Hearing: Friday, February 22, 2008 11:00 AM
Conference Room 211, State Capitol

Members of the Committee on Ways and Means:

Thank you for the opportunity to provide testimony supporting Senate Bill 2151, SD1 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.





For WAM
Friday, Feb 22, 2008
11:00 am

National Association of Social Workers

Hawaii Chapter

February 21, 2008

TO: Senator Roz Baker, Chair
And members of the Senate Ways and Means Committee

FROM: Debbie Shimizu, LSW
National Association of Social Workers, Hawaii

RE: SB 2151 SD1 Relating to Long-Term Care Ombudsman- **SUPPORT**

Chair Baker and members of the Senate Ways and Means Committee, I am Debbie Shimizu, Executive Director of the National Association of Social Workers, Hawaii (NASW). I am testifying in **SUPPORT** of SB 2151 SD1 to expand the long-term care ombudsman program to each of the neighbor islands.

In 2007, the Office of the Long-Term Care Ombudsman was established within the Executive Office on Aging. However, only 1 Ombudsman position was created leaving neighbor island residents without the same access to services provided by the Long-Term Care Ombudsman program. Furthermore, federal standards developed by the Administration on Aging (AOA) recommends **at a minimum** 1 ombudsman per 2,000 beds. (See Institute of Medicine's 1995 report, *"Real People Real Problems: An Evaluation of the Long-Term Care Ombudsman Programs of the Older Americans Act."*) With a total of 8,606 long-term care residents, that means Hawaii needs 4 ombudsmen to meet the minimum standard.

With the increasing population of elderly in the community, we need to establish a long-term care ombudsman on the other islands to ensure their safety in nursing homes, care homes and community foster homes.

Thank you for the opportunity to testify in SUPPORT of SB 2151 SD1.

TO : SENATE COMMITTEE ON WAYS AND MEANS
Senator Rosalyn H. Baker, Chair
Senator Shan S. Tsutsui., Vice Chair

FROM: Eldon L. Wegner, Ph.D.,
PABEA (Policy Advisory Board for Elder Affairs)

SUBJECT: **SB 2151 SD 1 Relating to Long-Term Care Ombudsman**

HEARING: 11:00 am Friday, February 22, 2008
Conference Room 211, Hawaii State Capitol

PURPOSE: Expands the long-term care ombudsman program by adding three additional ombudsman positions, one for each neighboring county.

POSITION: **PABEA STRONGLY SUPPORTS SB 2151 SD1.**

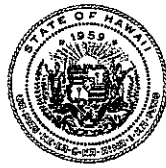
RATIONALE:

I am offering testimony on behalf of PABEA, the Policy Advisory Board for Elder Affairs, which is an appointed board tasked with advising the Executive Office on Aging (EOA). My testimony does not represent the views of the EOA but of the Board

- § While many facilities provide excellent care, unfortunately there are also instances where there are shortcomings and where the Ombudsman's office is needed to negotiate the needed improvements.
- § The neighbor islands need the same level of protection as do residents of Oahu. In fall 2006, members of the Policy Board for Elder Affairs conducted community forums throughout the state to hear about issues from family caregivers and providers of services for our elderly citizens. On numerous occasions, we heard complaints about inadequate oversight of facilities on the neighbor islands.
- § The Ombudsman's office has developed a volunteer program to assist with providing the needed visits to facilities. Unfortunately, the volunteer program has not succeeded on the neighbor islands. It is apparent that there needs to be professional staff for this important work and to coordinate any qualified volunteers.
- § The proposed bill would appropriate funds to assure staffing of the Ombudsman's office on the neighbor island in order to meet the federal requirements for visits to facilities and assure the care and safety of residents of long-term care facilities.

Thank you for allowing me to testify.

LINDA LINGLE
GOVERNOR OF HAWAII



NOEMI PENDLETON
DIRECTOR

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

Telephone
(808) 586-0100

Fax
(808) 586-0185

STATE OF HAWAII
EXECUTIVE OFFICE ON AGING
NO. 1 CAPITOL DISTRICT
250 SOUTH HOTEL STREET, SUITE 406
HONOLULU, HAWAII 96813-2831

Senate Committee on Ways and Means

SB 2151 SD 1, Relating to Long Term Care Ombudsman

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

Friday, February 22, 2008

11:00 a.m.

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 SB 2151 SD 1 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. Per the Older Americans
9 Act of 1965 (OAA), the role of the Long Term Care Ombudsman (LTCO) is to "serve on a full-
10 time basis and shall, personally or through representatives of the Office, identify, investigate, and
11 resolve complaints that are made by, or on behalf of residents, and relate to action, inaction, or
12 decisions that may adversely affect the health, safety, welfare and rights of residents."

1 The LTCO Program (LTCOP) advocates for seniors living in licensed nursing facilities
2 (NF), assisted living facilities (AL), adult residential care homes (ARCH) and expanded ARCHs.
3 That 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.

testimony

From: McDermott, John G. [john.mcdermott@doh.hawaii.gov]
Sent: Thursday, February 21, 2008 3:23 PM
To: Kuriki, Tania L.; Senatetestimony; testimony; gov.policy@hawaii.gov; dbleg.dir@hawaii.gov
Cc: Pendleton, Noemi
Subject: RE: SB2151 SD1 HTH 02-22-08 WAM @ 11 AM

Thanks. I noticed one mistake: Second page, line 11 says there are currently 3 qualified Ombudsmen specialists but actually we only have 2. Laurie is a Volunteer Coordinator, NOT an Ombudsman. This testimony has been changed since the last hearing but I can easily correct it during my oral testimony. No problem.

John G. McDermott, LSW, ACSW, M.Div
State Long Term Care Ombudsman
Executive Office on Aging
No. 1 Capitol District
250 South Hotel Street, Suite 406
Honolulu, Hawaii 96813-2831
(808) 586-7268 Fax: (808) 586-0185

NEW E-MAIL john.mcdermott@doh.hawaii.gov

From: Kuriki, Tania L.
Sent: Thursday, February 21, 2008 2:59 PM
To: SenateTestimony@capitol.hawaii.gov; testimony@capitol.hawaii.gov; gov.policy@hawaii.gov; dbleg.dir@hawaii.gov
Cc: Pendleton, Noemi; McDermott, John G.
Subject: SB2151 SD1 HTH 02-22-08 WAM @ 11 AM

See attached testimony for SB2151, SD1 heard by WAM at 11 AM



Laura Manis Testifier

COMMITTEE ON WAYS AND MEANS

Senator Rosalyn H. Baker, Chair

Senator Shan S. Tsutsui, Vice Chair

Friday, February 22, 2008 11:00 a.m. Conference Room 211

SB 2151 SD1 RELATING TO LONG-TERM CARE OMBUDSMAN. Expands the long-term care ombudsman program by adding three additional ombudsman positions, one for each neighboring county.

SUPPORT

This testimony is being submitted on behalf Kokua Council whose mission includes advocating for the health of the elderly and those vulnerable populations who can not advocate for themselves.

Situated within the Executive Office on Aging, this statewide program requires the ombudsman to visit all 44 nursing homes and 537 adult residential care homes on six islands for a total of 6,300 beds. The program is currently staffed by only two full-time program specialists who must process complaints, educate volunteers and keep records.

We are concerned with the quality of care in long term care facilities that in this bill will fortunately include foster homes, previously uncovered.

We believe that since Neighbor Island residents pay the same federal and state taxes as Oahu, they should have the same access to the services provided by the LTC Ombudsman.

The expense of airfares, meals, overnight lodging of flying Honolulu's Ombudsman to the neighbor islands will be mitigated by having an on-site Ombudsman.

A regional ombudsman better serves the local community by knowing the local culture and people, will have greater access to the local area agency on aging, the County Council and legislative representatives. They can respond more quickly to complaints and concerns, provide more regular visits and be more proactive in preventing abuse, neglect and exploitation, can use local media for recruiting volunteers and do regular training of facility workers and volunteers.

We approve REMOVING THE lines page 4, line 10 [provided that resident records shall be divulged only with the written consent of the resident or the resident's legal representative;] because a guardian may have a vested interest and stand to gain by closed records. This will protect the interests of patients who are physically and/or mentally unable to give consent. The bill provides adequate privacy protections.

We ask that you will support this bill.

Laura G. Manis, Legislative Chair, Kokua Council

tel. 597-8838