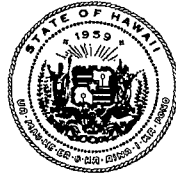


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February 4, 2008

MEMORANDUM

TO: Honorable Lorraine R. Inouye, Chair
Senate Committee on Intergovernmental and Military
Affairs

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 3187 - RELATING TO AGING IN PLACE

Hearing: Monday, February 4, 2008, 1:15 p.m.
Conference Room 229, State Capitol

PURPOSE: The purpose of S.B. 3187 is to require the state building code council to amend the international building code relating to physical assistance in evacuation for residents in assisted living facilities or similar facilities. It prohibits counties from amending or repealing these amendments. It extends the task force convened under Senate Concurrent Resolution Number 144 S.D. 1 (2006), to develop a long-term care infrastructure plan, for one year to June 30, 2009.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) strongly supports every recommendation proposed in this bill.

It is consistent with the recommendations made to the SCR 144 Task Force by LRS Architects Inc., hired by DHS to study this issue.

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The complete SCR 144 report can be accessed at:

www.hawaii.gov/dhs/main/reports/LegislativeReports in the 2008 folder.

These recommendations from LRS Architects are the result of an analysis of the types of residents allowed in assisted living residences in all fifty States. The analysis noted that forty-six States allow for assisted self-preservation for residents in assisted living facilities. DHS wholeheartedly agrees with the recommendations contained in the LRS Architects and SCR 144 Task Force Reports.

The State of Hawaii has a major need to expand its capacity for providing long term care. The citizens of Hawaii prefer to receive that long term care in their home or their community whenever possible. Apartments in assisted living facilities allow residents to preserve their independence while receiving necessary support services in the community.

The recommendations proposed in this bill to revise the State Building Code, chapter 107-E, Hawaii Revised Statutes (HRS), which includes the latest edition of the International Building Code (IBC), would be a major step forward in increasing long term care capacity in the community. The report from LRS Architects notes that, "despite the IBC limiting residents in assisted living to those who can exit a building without any physical assistance from staff, almost all States (46 States) allow assistance with evacuation in their regulations."

Also, the recommendations proposed in this bill, to amend the IBC would allow assistance in evacuation, while requiring compartmentalization with smoke barriers, and commercial sprinklers

similar to what is required for nursing facilities. It requires other fire safety requirements as enumerated in this bill.

These recommended amendments would allow us the flexibility that 46 other States have found important to their long term care strategies.

These recommendations will provide clarity to potential developers of assisted living facilities in this State and will provide a clear road map to current facilities who wish to modify their buildings to meet these new standards. These changes will allow more residents of assisted living facilities the opportunity to remain in the community, "aging in place," rather than having to move to a more restrictive placement as their health diminishes.

We do wish to recommend some corrections which appear to be typographical errors, since the wording of the proposed bill mirrors that found in Appendix A of the SCR 144 Final Report.

- On page 4, line 20, delete 11B and insert IIB,
- On page 4, line 33, delete Section 903.2.3 Group I and insert Section 903.2.5 Group I, and
- On page 5, line 5, delete NEPA and insert NFPA.

We urge the Legislature to convey the recommendations proposed in this bill to the State Building Code Council and strongly recommend the Council's adoption of these amendments to the IBC that the Council finally adopts.

Thank you for this opportunity to testify.

LINDA LINGLE
GOVERNOR



RUSS K. SAITO
Comptroller

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LATE TESTIMONY

TESTIMONY
OF
RUSS K. SAITO, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
SENATE COMMITTEE
ON
INTERGOVERNMENTAL AND MILITARY AFFAIRS
ON
February 4, 2008

S.B. 3187

RELATING TO AGING IN PLACE

Chair Inouye and members of the Committee, thank you for the opportunity to testify on S.B. 3187.

The Department of Accounting and General Services (DAGS) opposes S.B. 3187. Act 82, SLH 2007 (the Act) created the State Building Code Council (the Council) which has the authority to establish a comprehensive State Building Code. Included in the Act were specific provisions which required the Council to establish a subcommittee comprised of the four council members representing the county building officials, whose duty it is to recommend any necessary or desirable state amendments to the national and international model codes. Any recommended amendments require the unanimous agreement of the subcommittee members. The subcommittee and the Council also have the ability to appoint investigative committees of experts to review the model building codes and amendments. The Council approves the model codes and amendments recommended by the subcommittee. Following approval by the Council, the model codes

and amendments would be implemented as a State Building Code through the administrative rule making process. The State Building Code could then be amended and adopted without change as county building codes. This process preserves the notion of home rule for the counties while assuring as much uniformity as practical among the state and counties

DAGS opposes S.B. 3187 because it circumvents the amendment review process in the Act which was designed to ensure that the notion of county home rule was preserved, and that the views of the community, the design professionals, the contractors, the counties, and other stakeholders would be considered.

DAGS recommends that this bill be held. DAGS also appreciates the hard work that went into the task force that was convened under Senate Concurrent Resolution No. 144 S.D.1 (2006) and suggests that after this bill is held, it be replaced with a resolution asking the State Building Code Council to amend the State Building Code to incorporate the task force recommendations.

Thank you for the opportunity to testify on this matter.

To the Honorable Members of the Senate Committee on Intergovernmental and Military Affairs, who have scheduled a public hearing on Monday, February 4th, 2008 @ 1:15 p.m. in Room 229 on a bill to revise the International Building Code to support "aging in place for elders" in alternative long term care settings.

Aloha kakou,

I support SB 3187 for revision of the International Building Code to allow assisted evacuation from alternative long term care settings. This would increase long term care bed capacity in the State, with increased length of stay for elders in non-institutional, affordable care settings. This is safe, cost-effective and supports consumer preferences and choice. This measure is supported by the Maui Health Care Initiative Taskforce, the Maui Long Term Care Partnership, the majority of the SCR 144 Aging in Place Taskforce, and the Healthcare Association of Hawaii (HAH) "Waitlist" Taskforce.

46 states have already adopted similar amendments to the International Building Code to accommodate their rapidly growing elder populations. The outcomes have been positive, accommodating elderly in safe, home-like settings, for many years. Specific building code amendments have been researched and are supported by the majority of the SCR 144 Taskforce. The SCR 144 Aging in Place Taskforce, created two years ago, by Senator Baker, was charged with identifying solutions to Hawaii's long term care infrastructure crisis. It has served as an investigative unit for County Building and Fire Departments, the Departments of Health and Human Services, health care facilities and the community. The majority of the SCR 144 Taskforce on "Aging In Place" supports rapid adoption and implementation of the building code amendments recommended in its "50 State Comparative Building Code Study". The study created amendments specifically designed for Hawaii, with its unique geographic and long term care challenges. Hawaii is facing a long term care crisis, ranked 50th for long term care bed capacity in the United States. All of Hawaii's acute hospitals have "waitlisted" elderly. "Waitlists" adversely affect the delivery of both acute and long term health care throughout the State. Implementation of the recommended building code amendments for alternative long term care structures, would be one of the solutions to Hawaii's long term care infrastructure deficit.

Hopefully, with the support of our legislators, Hawaii will be the 47th State to adopt these long term care building amendments.

Mahalo,

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