



STATE OF HAWAII
DEPARTMENT OF HEALTH
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HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

HOUSE COMMITTEE ON HEALTH

SB1178, SD2, RELATING TO HEALTH

**Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health**

**March 24, 2009
10:00 a.m.**

1 **Department's Position:** The department appreciates the intent of this bill, but we believe it is
2 unnecessary as the Department of Health already conducts these reviews according to federal guidelines.

3 **Fiscal Implications:** None

4 **Purpose and Justification:** SB1178, SD 2 requires the Department of Health to “review emergency
5 plans and develop guidelines of all dialysis centers in the State to ensure the safety of dialysis patients in
6 the event of a public emergency.” Secondly, the bill will require the department to “post on its website a
7 list of all dialysis centers in Hawaii that have backup emergency generators” perhaps as a way for
8 dialysis patients to know where to go for services in the event of a power outage.

9 The Department of Health currently conducts Medicare certification surveys on all dialysis
10 providers in the state based on federal requirements of Medicare certified facilities. These requirements
11 may be found in 42 CFR Section 405.2100 through 2184. These requirements include emergency
12 preparedness in the event of a fire, natural disaster or functional failure of equipment (Section
13 405.2140), and affiliation arrangements so that patients may be transferred between dialysis facilities
14 (Section 405.2160). Specifically, emergency preparedness requirements include having written policies

1 and procedures, that they be reviewed and tested at least annually, that all personnel are trained and
2 knowledgeable in their respective roles during an emergency, and that “patients are trained to handle
3 medical and nonmedical emergencies (and) must be fully informed regarding what to do, where to go,
4 and whom to contact if a medical or nonmedical emergency occurs.” (42 CFR Sec 405.2140(d)(5))

5 As a result, the bill currently being considered appears to be unnecessary since emergency plans
6 and guidelines and patient training and instruction are already required by the federal government and
7 compliance with these requirements are determined by the department as part of its routine Medicare
8 certification surveys.

9 Nevertheless, the department will be happy to post on its website a list of the facilities with
10 emergency backup power without the legislation to require it.

11 Thank you for the opportunity to testify.