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P. O. Box 339
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LATE
Testimony

March 19, 2009

MEMORANDUM

TO: Honorable John M. Mizuno, Chair
House Committee on Human Services

Honorable Ryan I. Yamane, Chair
House Committee on Health

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 415, S.D. 2 - RELATING TO HOME CARE AGENCIES
Hearing: Thursday, March 19, 2009, 9:30 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of S.B. 415, S.D. 2 is to protect consumers of home care services by requiring the licensure of home care agencies by the Department of Health.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) respectfully opposes this bill as written. However, we can support this bill with the addition of several amendments discussed below.

First, we respectfully recommend that the authority to certify these agencies be placed with the Department of Human Services, Adult and Community Care Services Branch, or its designee. The Department has considerable expertise in monitoring these types of services through its history with the certification of Community Care Foster Family Homes (CCHHFs), as well as the administration and monitoring of the 1915(c) Medicaid Waiver and Chore Service

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programs. We are pleased to report that the Department of Health (DOH) defers to our request to have the certification of home care agencies placed with DHS rather than with DOH.

DHS sees the certification of home care agencies through its Social Services Division, Adult and Community Care Services Branch, as an important regulatory and support function for its Med-QUEST Division, which provides Home and Community-Based non-medical personal care to Medicaid clients. The Med-QUEST Division is not in a position to both provide and regulate its own programs; therefore, we see the role of certification and oversight as belonging most appropriately with the Social Services Division, Adult and Community Care Services Branch, which serves many of the same clients through its other adult programs. Med-QUEST Division clients are significant consumers of home care services, causing DHS to hold a compelling interest in providing the standards and regulation needed to keep this resource safe and plentiful.

Second, we would recommend that home care agencies be certified instead of licensure to be consistent with the requirements already in place for providers such as community care foster family homes.

Third, the Department strongly recommends that the language in this bill defining "home care agency" be replaced with the following language:

"Home care agency" means a public or proprietary agency, a private, non-profit organization, or a subdivision of such agency or organization, engaged in providing home care services to clients in the client's residence. The term

"home care agency" does not apply to an individual, including an individual who is incorporated as a business, or is an unpaid or stipended volunteer, nor to any home and community- based service under the jurisdiction of the department of human services."

This language is important for the fact that it will exempt certification requirements for senior service programs administered by DHS, with respect to family members, neighbors and friends who provide chore, personal care, and respite services for their loved ones, including those individuals participating in the State Medicaid Home and Community-Based and the Chore Service programs.

There is a strong likelihood that individuals who provide these services might be deterred from pursuing certification requirements, since their interest in providing care is motivated out of their relationship with the client and not the pursuit of a professional career. Inevitably, this gap in care service would be extremely detrimental to the State.

This amendment is also important to avoid unnecessary expenditures for agencies that are providing personal assistance through the Department of Human Services. These providers are already monitored and regulated by State agencies for quality, and through criminal and protective service background checks.

Thank you for this opportunity to testify.



LATE
Testimony

To: House Committee on Human Services
Rep. John M. Mizuno, Chair
Rep. Tom Brower, Vice-Chair

House Committee on Health
Rep. Ryan I. Yamane, Chair
Rep. Scott Y. Nishimoto, Vice Chair

Date: March 19, 2009 - Conference Room 329 – 9:30 am

Re: **SB 415, SD2 RELATING TO HOME CARE AGENCIES**

Chairs Mizuno and Yamane and Committee Members:

My name is Barbara Kim Stanton, State Director of AARP Hawaii. AARP is a membership organization of people 50 and older with nearly 160,000 members in Hawaii. We are committed to championing access to affordable, quality health care for all generations, providing the tools needed to save for retirement, and serving as a reliable information source on issues critical to Americans age 50+.

AARP supports SB 415, SD2. The purpose of this bill is to protect consumers of home care services by requiring home care agencies to be licensed by the Department of Health.

We believe federal and state governments have a strong role in enforcing laws and regulations for nursing homes and services in home and community-based settings. By licensing home care agencies, the State takes a further step in protecting health and safety, and assuring quality standards for clients who receive personal care assistance, homemaker assistance and respite care support.

Many elderly in Hawaii today receive home care from family members. As their condition worsens, their families look to supplementary options for respite and relief, such as paying out-of-pocket for home care services. The demand for these services is likely to increase as the baby boom population ages. We need to ensure that adequate standards of quality and safety, including criminal background checks, are met.

SB 415 addresses just one small gap in Hawai'i's long-term care system. Hawai'i's population is aging rapidly. Within the next two decades, the number of people needing care will nearly double and there will be only a slight increase in the number of people who traditionally care for them. According to a 2008 AARP Hawaii Health Care and Long-Term Care Survey of 1000+ residents age 18 and older, eight in ten people said it was extremely or very important to have long term care services that would help them stay at home as long as possible.

To prepare for the challenges ahead, AARP believes four fundamental strategies must be undertaken:

1. Broaden the perspective of policymakers, providers and consumers about long-term care services and supports to include more than nursing homes.
2. Train a workforce of qualified professionals who can provide appropriate services in home settings.
3. Provide people with clear and consistent information about their long-term care options.
4. Create a comprehensive plan to allow individuals, families and the state to prepare for the future needs of our aging population. Act 224 created the Long-Term Care Commission for this purpose.

Thank you for the opportunity to testify in support of SB 415, SD2.

The Twenty-Fifth Legislature
Regular Session of 2009

HOUSE OF REPRESENTATIVES

Committee on Human Services

Rep. John M. Mizuno, Chair

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Committee on Health

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LATE
Testimony

State Capitol, Conference Room 329
Thursday, March 19, 2009; 9:30 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 415, SD2
RELATING TO HOME CARE AGENCIES**

The ILWU Local 142 supports S.B. 415, SD2, which requires the Department of Health to license home care agencies. Sunsets 6/30/14.

As more elderly and disabled individuals desiring to stay in their own homes require home care provided by professionals and paraprofessionals, the home care industry is expanding and the need exists for monitoring of the agencies and individuals providing care to the elderly and disabled in their homes. Currently, many families using the services of home care agencies no doubt think that the industry is already regulated, but it is not. S.B. 415, SD2 provides for a temporary program to require the Department of Health to license home care agencies.

While we believe such licensing and monitoring should be a permanent program, we fully understand the State's current budgetary constraints. We also believe that any information about home care agencies, including reports on licensing and monitoring, should be prominently posted on a website and made available in written form to anyone inquiring about home care.

The ILWU urges passage of S.B. 415, SD2. Thank you for the opportunity to testify on this matter.

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