

SB 415

LINDA LINGLE
GOVERNOR



173

LILLIAN B. KOLLER, ESQ.
DIRECTOR

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STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809

February 27, 2009

MEMORANDUM

TO: Honorable Donna Mercado Kim, Chair
Senate Committee on Ways and Means

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 415, S.D. 1 - RELATING TO HOME CARE AGENCIES
Hearing: Friday, February 27, 2009, 9:00 a.m.
Conference Room 211, State Capitol

PURPOSE: The purpose of S.B. 415, S.D. 1, 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. To enact this bill into law at this time, it will require considerable general funds at a time when such funding is not available.

However, should funding become available in the future, we recommend that the authority to license these agencies be placed in the Department of Human Services, Adult and Community Care Services Branch, which has considerable expertise in monitoring these types of services through its history with the 1915(c) Medicaid Waivers and the Chore Program.

Additionally on Page 3, the Department strongly recommends that the language in this bill defining "home care agency" be replaced with the following language:

AN EQUAL OPPORTUNITY AGENCY

"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 will exempt licensure requirements for senior service programs administered by DHS and 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 Program and the Chore Services Program. It also avoids an unnecessary expenditure for agencies that are providing personal assistance through DHS. 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.

The Twenty-Fifth Legislature
Regular Session of 2009



THE SENATE
Committee on Ways and Means
Sen. Donna Mercado Kim, Chair
Sen. Shan S. Tsutsui, Vice Chair

State Capitol, Conference Room 211
Friday, February 27, 2009; 9:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 415, SD1
RELATING TO HOME CARE AGENCIES**

The ILWU Local 142 supports S.B. 415, SD1, 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, SD1 provides for a temporary program to require the Department of Health to license home care agencies.

We believe such licensing and monitoring should be a permanent program, but we can understand 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, SD1. Thank you for the opportunity to testify on this matter.

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