

LINDA LINGLE
GOVERNOR



LILLIAN B. KOLLER, ESQ.
DIRECTOR

HENRY OLIVA
DEPUTY DIRECTOR

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

March 20, 2009

MEMORANDUM

TO: Honorable Ryan I. Yamane, Chair
House Committee on Health

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

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 818, S.D. 2 - RELATING TO HEALTH

Hearing: Friday, March 20, 2009, 10:00 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of S.B. 818, S.D. 2, is to require the Department of Health (DOH) and Department of Human Services (DHS) to make available to the public information collected from the departments' inspection of care facilities.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) respectfully opposes this bill as written and without an appropriation.

DHS agrees that the public should have access to meaningful qualitative information in order to make appropriate health care decisions.

Our concern with this bill is that information contained in the current inspection or certification reports on adult day care

centers (ADC) and community care foster family homes (CCFFH) may be confusing, misleading, or inconsequential to consumers in evaluating the quality and conditions of care at those facilities.

During an inspection, a provider may be cited for failing to meet a particular regulation which has no real bearing on the quality of care for the client. Many ADC and CCFFH providers receive citations for minor, easily corrected issues such as missing a signature on a form, or lacking a piece of documentation. While such a problem does not directly affect client care and can be quickly rectified, it may nevertheless be interpreted by the consumer as indicating the facility should be avoided for placement of a family member.

DHS contracts with a case management agency, as the DHS designee, to conduct inspections and certify and re-certify CCFFHs on a yearly basis. The forms used by the designee for collecting information during these visits are lengthy and extremely detailed. Much of the information would not be useful to a consumer in making a long-term care decision.

The question then becomes: how do we decide which information is most relevant and helpful, and how do we extract and publish only that information? At a minimum, such a task would require one or more full-time positions and many thousands of dollars in computer equipment and programming, just to set up the initial implementation. Once established, the project would continue to require at least one full-time position to keep the

information current and accurate. This is a huge job which will be very time and labor intensive on an ongoing basis and, therefore, very costly.

Currently there are approximately 930 CCFFHs and 30 ADCs, and the numbers continue to grow. The information gathered by the DHS designee during inspections will need to be put into useable form in order to be posted on the website.

At a minimum, there is a need to determine what type of information should be entered onto the website and in what format. There is also a need to consult with an IT expert who can advise on issues pertaining to the process and costs of setting up a computerized selective data collection system, and making that information public. The goal should be to present useful and easily accessible data which would support the public in making informed decisions.

DHS will require an appropriation to augment our current contract with our designee to implement this web-based program. These funds are necessary to create and maintain a website, expand and reconfigure the current computer system, ensure the quality of data, protect client confidentiality, continually update the website, and respond to questions and concerns from the public. This will be an ongoing rather than simply a start-up need.

Thank you for this opportunity to testify.

THE PRIMARY CARE PROVIDERS

P.O. Box 2441, Honolulu, Hawai'i 96804

LATE

March 16, 2009

Maria Etrata
President &
Founder

Testimony in **Opposition of SB 818** - HLT/HUS - 3/20/09, 10:00
a.m., Rm. 329

Chairs Yamane and Mizuno, and Members of the Joint Committee:

The Primary Care Providers (TPCP) **opposes SB818** that requires Department of Health (DOH) and the Department of Human Services (DHS) to post on their respective websites reports of all inspections of care facilities, including care homes and foster homes.

Before publication, operators should be given the opportunity address, respond, and correct any deficiencies or suggestions before publication of negative comments. Without this opportunity, inspections will not lead to improved care.

SB818 unfairly allows for favoritism by inspectors without any checks and balances. We have documented cases of favoritism and inconsistency. An objective review and opportunity for the operator to be heard before publication should be allowed to protect the due process rights of operators.

With all due respect, SB818 would not be a wise commitment of money, especially given the economy. Caregivers earn less than \$2.00 per hour per client. The appropriation required by SB818 would be better spent in the actual improvement of care as opposed to the publication of inspections.

In summary, TPCP reiterates its **opposition of SB818** and requests deferral of the bill.

Very truly yours,

The Primary Care Providers (TPCP)

By: Maria Etrata

About TPCP

TPCP's mission is unite the home and community based care giving industry to improve the quality of care provided to elderly and developmentally disabled clients in various home and community based programs, as well as to improve the state of the industry. Together, members of the four organizations have a membership of about 500 and comprise about 35% of the home and community-based caregivers in the State of Hawaii.

HAWAII COALITION OF CAREGIVERS

LAIB

P.O. Box 2441, Honolulu, Hawai'i 96804

March 19, 2009

MEMBERS 2008-09

Testimony in Opposition of SB 818 – HLT/HUS – 3/20/09, 10:00 a.m., Rm. 329

Chairs Yamane and Mizuno, and Members of the Joint Committee:

Myriam Tabaniag

President
Alliance of Residential Care
Administrators

Lani Akee

President
Adult Foster Homecare
Association of Hawaii

Esther Pascual

President
United Group of Home
Operators

Myriam Guerrero

President
Alliance of Residential Care
Administrators - Big Island
Chapter

Daniel Marcos

President
Adult Foster Home
Association of Hawaii - Big
Island Chapter

Myriam Guerrero

President
Alliance of Residential Care
Administrators - Big Island
Chapter

Mila Medallon

Advisor

Donnie Juan, Esq.

Lobbyist

Bryan P. Andaya

Advisor

The Hawaii Coalition of Caregivers (HCCG) **opposes SB818** that requires Department of Health (DOH) and the Department of Human Services (DHS) to post on their respective websites reports of all inspections of care facilities, including care homes and foster homes.

First, publication of inspections would defeat the purpose of the inspection, which is supposed to provide constructive suggestions for improvements to the quality of care being provided. Operators should be given the opportunity address, respond, and correct any deficiencies or suggestions before publication of negative comments.

Second, SB818 would potentially open the doors to abuse by inspectors who have in the past been sometimes inconsistent in the interpretation and enforcement of the rules. Documented cases of favoritism have also arisen in the past. An objective review and opportunity for the operator to be heard before publication should be allowed to protect the due process rights of operators.

Third, as both DOH and DHS acknowledge, SB818 would require appropriation of the State's precious resources. In this difficult economy, the State must use its resources wisely for top priority concerns. As you know, caregivers earn less than \$2.00 per hour per client. The appropriation required by SB818 would be better spent in the actual improvement of care as opposed to the publication of inspections.

In summary, HCCG reiterates its **opposition of SB818** and requests deferral of the bill.

Very truly yours,

The Hawaii Coalition of Caregivers (HCCG)

By: Bryan P. Andaya

About HCCG

HCCG consists primarily of four organizations working in collaboration towards the common mission of uniting the home and community based care giving industry to improve the quality of care provided to elderly and developmentally disabled clients in various home and community based programs, as well as to improve the state of the industry. HCCG members include: The Alliance of Residential Care Administrators (ARCA), , the United Group of Home Administrators (UGHO), and the Adult Foster Home Association of Hawaii (AFHA). Together, members of the four organizations have a membership of almost 1,250 and comprise about 70% of the home and community-based caregivers in the State of Hawaii.



OAHU FILIPINO COMMUNITY COUNCIL

P.O. Box 17531 • Honolulu • Hawaii 96817

LATE
Testimony

Unit Organizations

Alliance of Residential
Carehome Administrators
Aloha Saguibsib Cultural
Foundation, Inc.
Annac ti Bado iti Hawaii
Annac ti Batac
Annac ti Caoayan 2002
Annak ti Kailokuan iti
America
Annak ti Sinait iti Hawaii
Asingan Organization of
Hawaii
Badoc-Pinili Aid
Association of Hawaii
Banna Association of
Hawaii
Bannatiran Association of
Hawaii
Batangas Association of
Hawaii
Bulacan Circle of Hawaii
Caballeros de Dimasalang
Cabugao Sons & Daughters
of Hawaii
Candonians of Hawaii
Caoayan ISAH
Cavitenians of Hawaii
Dingras Association of
Hawaii
Divine Word College
Alumni Association
FilAm Sports USA
Fil American Citizens
League
Filipino Business Women's
Club
Filipino Nurses Organization
of Hawaii
Filipino Women's Civic
Club
GUMIL Hawaii
GUMIL Oahu
Hawaii Filipino Women's
Club
Hawaii Council of Bilingual
Educators
ILAH
Ilocos Norteniens of
America
INCAT Alumni Association
of Hawaii
International Filipino
Society of Hawaii
Kalayaan Phil.-Hi. Int.
La Union Circle of
Hawaii
Lingayen Gulf Club of
Hawaii

TESTIMONY IN OPPOSITION TO SB 818 SD 2

House Committee on Health & House Committee on Human Services

Mar. 20, 2009, 10 a.m. | Hawai'i State Legislature | Room 329

To:

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

House Human Services Committee Rep. John M. Mizuno, Chair
Rep. Tom Brower, Vice Chair
House Human Services Committee Members

From:

Cirvalina Longboy, OFCC President

Report Title: Kupuna Caucus; DOH; DHS; Care Facilities; Inspections Public Notice

Description: Requires the department of health and the department of human services to post on their respective websites reports of all inspections of care facilities by January 1, 2011. (SD2)

My name is Cirvalina Longboy, president of the Oahu Filipino Community Council. OFCC is an umbrella organization that represents a network of non-profit civic groups with a unified vision to improve the lives of our Filipino communities in order to be a contributing steward to our state of Hawai'i. I submit this testimony to oppose this bill, while at the same time recognizing the urgent need for improvements in the system of seeking a continuum of long term care services.

According to the report of the Dept. of Health and Dept. of Human Services, provisions of the bill are unattainable at this time. We support continued partnerships to address the burdens of long term care.

Sincerely,

Cirvalina Longboy, President
Oahu Filipino Community Council

Unit Organizations

Magsingal Association of
Hawaii
Narvacan/San Antonio Club of
Hawaii
Nueva Vizcaya Association of
Hawaii
Pasuquinos Association of
Hawaii
Philippine Cultural Foundation
Philippine Nurses
Association of Hawaii
Piddig Association of Hawaii
Sanchez Mira Association of
Hawaii
San Manuel Pangasinan
Association of Hawaii
San Nicolaneos USA
San Nicolas Goodwill
Foundation
San Nicolas Teachers of
Hawaii
Santa Lucia Association of
Hawaii
Sarrat Association of Hawaii
Sarrat International Inc.
Sinait Nt. High School Alumni
of Hawaii
Solsona of Hawaii
Tarlac Mutual Club of Hawaii
TPCP
Kalihi Ballroom, Inc.
Sadiri ti San Nicolas iti Hawaii
Samar Leyte Association of
Hawaii
Sampaguita/Sunflower Club of
Hawaii
San Juan Association of
Hawaii
San Nicolas Nat. High
Santa Marians of Hawaii
School Alumni
Santa Nicolas Nat. High
School Bingao Annex
Tagalog Association of Oahu
United Bacarreneos of Hawaii
United Group of Home
Operators
United Pangasinan of Hawaii
United Urdaneta Club of
Hawaii
United Vintarinians of Hawaii
Vigan Association of Hawaii



UNITED FILIPINO COUNCIL OF HAWAII

P.O. BOX 498, Honolulu, Hawaii 96809-0498

TESTIMONY IN OPPOSITION TO SB 818 SD 2

House Committee on Health & House Committee on Human Services

Mar. 20, 2009, 10 a.m. | Hawai'i State Legislature | House Conference Room 329

LATE
Testimony

To: Honorable House Health Committee Rep. Ryan I. Yamane, Chair
Honorable Rep. Scott Y. Nishimoto, Vice-Chair
Honorable House Health Committee Members
Honorable House Human Services Committee Rep. John M. Mizuno, Chair
Honorable Rep. Tom Brower, Vice Chair
Honorable House Human Services Committee Members

From: Eddie Agas, President, United Filipino Council of Hawaii

Report Title: Kupuna Caucus; DOH; DHS; Care Facilities; Inspections Public Notice
Description: Requires the department of health and the department of human services to post on their respective websites reports of all inspections of care facilities by January 1, 2011. (SD2)

My name is Eddie Agas. I am the president of the United Filipino Council of Hawaii (UFCH). I submit this testimony in opposition to this bill, on behalf of UFCH, an umbrella organization with member organizations from six islands. UFCH membership is comprised of nearly 5,000 individual members.

Filipinos, who make up a significant part of Hawai'i's caregivers, have offered generations of families and individuals in the state of Hawai'i with a quality, caring and affordable option to institutional facilities. UFCH agrees that improvements are needed to ensure that the need for relevant information from all parties involved in the placement of individuals in residential in-community settings are addressed appropriately.

We also share the concerns and cautions raised by the Dept. of Health and Dept. of Human Services of unintended consequences and cautions in interpreting inspection reports. In addition, the present funding environment prohibits the development of a meaningful system of evaluation for all interested parties. It is important to continue building partnerships to devise a common solution together.

Thank you for the opportunity to provide our thoughts, and for your deliberation on this serious problem.

Respectfully submitted,

Eddie Agas, President, United Filipino Council of Hawaii

Filipino American Citizens League

Jake Manegdeg, President
P. O. Box 270126 * Honolulu, Hawai'i 96827

TESTIMONY IN OPPOSITION TO SB 818 SD 2

House Committee on Health & House Committee on Human Services

Mar. 20, 2009, 10 a.m. | Hawai'i State Legislature | House Conference Room 329

LATE
testimony

To: Honorable House Health Committee Rep. Ryan I. Yamane, Chair
Honorable Rep. Scott Y. Nishimoto, Vice-Chair
Honorable House Health Committee Members

Honorable House Human Services Committee Rep. John M. Mizuno, Chair
Honorable Rep. Tom Brower, Vice Chair
Honorable House Human Services Committee Members

From: Jake Manegdeg, President, Filipino American Citizens League

Report Title:

Kupuna Caucus; DOH; DHS; Care Facilities; Inspections Public Notice

Description:

Requires the department of health and the department of human services to post on their respective websites reports of all inspections of care facilities by January 1, 2011. (SD2)

My name is Jake Manegdeg. I am the president of the Filipino American Citizens League. The Filipino American Citizens League was formed over ten years ago to contribute to the advancement of civil rights and social justice for minority groups, underserved populations, and vulnerable communities through education, advocacy, and social action.

I submit this testimony to oppose this bill. Even though my family and I are faced with the hardships of caregiving right now, I agree with the report of the Dept. of Health and Dept. of Human Services. The realities of our state budget shortfall call for continued community engagement with government agencies and care providers that would be acceptable to all stakeholders involved. We cannot wait for funds that are not there. Furthermore, we cannot implement a bill that is well-intended, much needed, but has unintended consequences that outweigh its benefits. Let's focus on strengthening our networks and communications by building allies. Thank you for the opportunity to provide this written testimony. Thank you for taking on this tough issue.

Very Sincerely,

Jake Manegdeg
President
Filipino American Citizens League



Filipino Coalition for Solidarity

A HAWAII RIGHTS ADVOCACY GROUP • FOUNDED IN 1990

c/o 728 Nunu St. · Kailua, HI 96734 · <http://www.philippinesonline.org/thecoalition/>

TESTIMONY IN OPPOSITION TO SB 818 SD 2

House Committee on Health & House Committee on Human Services
Mar. 20, 2009, 10 a.m. | Hawai'i State Legislature | House Conference Room 329

LATE
Testimony

To: Honorable House Health Committee Rep. Ryan I. Yamane, Chair
Honorable Rep. Scott Y. Nishimoto, Vice-Chair
Honorable House Health Committee Members

Honorable House Human Services Committee Rep. John M. Mizuno, Chair
Honorable Rep. Tom Brower, Vice Chair
Honorable House Human Services Committee Members

From: Charlene Cuaresma, MPH, President, Filipino Coalition For Solidarity

Report Title: Kupuna Caucus; DOH; DHS; Care Facilities; Inspections Public Notice

Description: Requires the department of health and the department of human services to post on their respective websites reports of all inspections of care facilities by January 1, 2011. (SD2)

My name is Charlene Cuaresma, president of the Filipino Coalition for Solidarity. Since its inception in 1990, the Coalition has represented more than 50 Filipino community leaders, whose aim is to work for social justice issues to empower Filipinos to make socially responsible contributions to Hawai'i and our global neighbors through education, advocacy, and social action.

While the intent of this bill has merit, the Coalition respectfully opposes this bill for reasons outlined by the Dept. of Health and Dept. of Human Services. We encourage continued explorations of community, public, and private partnerships to help improve the process of placement of our frail community members into affordable and quality in-community health care settings. Thank you for the opportunity to provide this testimony.

Respectfully,

Charlene Cuaresma, MPH
President, Filipino Coalition for Solidarity

Filipinos for Affirmative Action

3432 B-1 Kalihi Street, Honolulu, HI 96819

LATE
Testimony

TESTIMONY IN OPPOSITION TO SB 818 SD 2

House Committee on Health & House Committee on Human Service
Mar. 20, 2009, 10 a.m. | Hawai'i State Legislature | House Conference Room 329

To: Honorable House Health Committee Rep. Ryan I. Yamane, Chair
Honorable Rep. Scott Y. Nishimoto, Vice-Chair
Honorable House Health Committee Members

Honorable House Human Services Committee Rep. John M. Mizuno,
Chair
Honorable Rep. Tom Brower, Vice Chair
Honorable House Human Services Committee Members

From: Amy Agbayani, Ph.D., Co-Chair, Filipinos for Affirmative Action

Report Title: Kupuna Caucus; DOH; DHS; Care Facilities; Inspections Public Notice
Description: Requires the department of health and the department of human services to post on their respective websites reports of all inspections of care facilities by January 1, 2011. (SD2)

My name is Amy Agbyani. As co-chair of Filipinos For Affirmative Action, I am submitting testimony in opposition to this bill. The mission of Filipinos For Affirmative Action is to advocate for civil rights for all.

We all share in the frustration and challenges of facing the need to find affordable, long term care providers for our families and others. But given the state's budget shortfalls and systemic challenges reported by the Dept. of Health and Dept. of Human Services, provisions of this bill are not feasible. The unintended consequences and internal barriers listed by these government agencies will only detract from an already disheartening problem of seeking appropriate care providers. Thank you for the opportunity to express my concerns over this complex issue. For these reasons, I ask that this bill be deferred. In the interim, collaborations with all stakeholders are urged to bridge the information gap between those who are seeking care and those who provide quality care.

Sincerely,

Amy Agbayani, Ph.D.
Filipinos For Affirmative Action



Nursing Advocates & Mentors, Inc.

... a non-profit organization with a mission to address the global nursing shortage by providing guidance and assistance for nursing colleagues to obtain their professional license in nursing.

P.O. Box 2034 Aiea, HI 96701
E-mail: bramosrazon@aol.com

LATE
Testimony

Beatrice Ramos-Razon,
RN, FACDONA
President

Tessie Oculito, RN
Vice President

D Jun Obaldo, RN, BSN
Corresponding Secretary

Au Curameng, RN, CM
Recording Secretary

Margie A. Berueda, RN, CM
Treasurer

Lynn Barnes, RN, CM
Assistant Treasurer

Bong Curameng, CCHT
Auditor

Michael G. Berueda, LPL
Computer Support

Joe Magno
Technical Support

Mentors & Volunteers:

Christiaan De Vera, RN, BSN

Erlinda Ferrer, RN, BSN

Estrella Guevarra, RN

Delmar Magno, RN, C

Edel Matias, RN, CM

Cielito Lyn Matias, RN, BSN

Brenda Monegas, RN

Oscar Querido, RN

Lucy Porte, RNC

Violeta Sadural, RN, BSN

Tina Salvador, RN, BSN, CNN

Ramon Sumibcay, CPT, AN

TESTIMONY IN OPPOSITION TO SB 818 SD 2

House Committee on Health & House Committee on Human Services
Mar. 20, 2009, 10 a.m. | Hawai'i State Legislature | Room 329

To: House Health Committee Rep. Ryan I. Yamane, Chair
Rep. Scott Y. Nishimoto, Vice-Chair
House Health Committee Members
House Human Services Committee Rep. John M. Mizuno, Chair
Rep. Tom Brower, Vice Chair
House Human Services Committee Members

From: Beatrice Ramos-Razon, RN, FACDONA
President, Nursing Advocates and Mentors, Inc. (NAMI)

Report Title: Kupuna Caucus; DOH; DHS; Care Facilities; Inspections
Public Notice

Description: Requires the department of health and the department of human services to post on their respective websites reports of all inspections of care facilities by January 1, 2011. (SD2)

My name is Beatrice Ramos-Razon. As the Founder and President of NAMI (Nursing Advocates & Mentors, Inc.), we are in opposition to this bill. NAMI's membership is comprised of over 75 volunteer nurses, instructors, allied health care professionals, and Filipino leaders, who are dedicated to improve the health of Hawai'i's people by addressing not only a statewide, but worldwide nursing shortage, through the training and mentoring of foreign graduate nurses, many of whom come from underprivileged backgrounds, to pass Hawai'i's nurses board exams.

NAMI opposes this bill because of systems challenges and budget constraints cited by the Dept. of Health and Dept. of Human Services. We are open to supporting collaborations to find ways to address this pressing problem. Thank you for the opportunity to testify.

Sincerely,

Beatrice Ramos-Razon, RN, FACDONA
President, Nursing Advocates and Mentors, Inc
Executive Director, Philippine Nurses Association Hawaii

LATE

March 19, 2009

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

Rep. John M. Mizuno, Chair
Rep. Tom Brower, Vice Chair
Committee on Human Services

FROM: Anna Gonzales

SUBJECT: **Testimony in support of SB818sd2– RELATING TO HEALTH**

HEARING: Friday, March 20, 2009
10:00 a.m., Room 329

Chair Yamane and Chair Mizuno and Members of the House Committees of Health and Human Services, my name is Anna Gonzales and I am a MSW student at the University of Hawai'i at Manoa. **I am testifying in support of SB818sd2.** I also testify as a citizen who has assisted caregivers and care receivers in the community for five years.

The purpose of this bill is to require the Department of Health (DOH) and the Department of Human Services (DHS) to post on their respective websites the reports of all inspections of care facilities by January 1, 2011.

Currently the state is required to do inspections for all care facilities but the information is not easily accessible to the public. Posting inspections and certifications online for public access shows that there is time and consideration taken into the quality of care of our most at risk, vulnerable persons in need. Having the ability to search for licensed care home agencies with their current inspections would be beneficial to the community. Therefore I am in support of Bill SB818Sd2.

Thank you for the opportunity to provide testimony on this measure.

Anna Gonzales, MSW student