

Honolulu, Hawaii

Feb 11, 2010

RE: H.B. No. 2978
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committees on Human Services and Health, to which was referred H.B. No. 2978 entitled:

"A BILL FOR AN ACT RELATING TO CARE HOMES,"

beg leave to report as follows:

The purpose of this bill is to help ensure proper service delivery and quality care for those in long term care by creating a uniform set of regulations regarding the administration and licensing of home and community-based residential care homes under the administration of the Department of Human Services (DHS).

The Adult Foster Home Association; Capitol Consultants of Hawaii, LLP; and a concerned individual supported this bill. DHS and the Department of Health (DOH) opposed this measure. Several concerned individuals provided comments.

Your Committees note that Act 132, Session Laws of Hawaii 1998, acknowledged both the growing aged population and growing trend toward home and community-based care by establishing Expanded Adult Residential Care Homes as an alternative to institutionalized care for residents requiring the professional health services provided in an intermediate or skilled nursing facility.

The inclusion of this new type of care home, however, in addition to Community Care Foster Family Homes, which were established by Act 273, Session Laws of Hawaii 2001, as a

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demonstration project and made permanent by Act 236, Session Laws of Hawaii 2006, contributed to the creation of an overly-complex and inconsistent system under the administration of two separate departments.

Your Committees acknowledge that the complex nature of the array of home and community-based care homes is confusing for families attempting to arrange long-term care for their loved ones in what is often a very short time frame. Your Committees acknowledge, however, that the task of creating a uniform set of standards for these care homes may require additional investigation and coordination. Additionally, your Committees note that this process of standardization should include all stakeholders involved in the system, including the hospitals, to avoid any negative impacts that may arise by allowing the departments to engage this task without additional input.

Accordingly, your Committees have amended this bill by deleting its contents and replacing them with a provision requiring DHS, in collaboration with DOH, to undertake a study of the referral and discharge system to home and community-based care homes, including input from interested stakeholders.

Your Committees have further amended this bill by:

- (1) Requiring Community Care Foster Family Homes with a third patient to employ a nursing assistant or second caregiver; and
- (2) Changing the effective date to January 1, 2050, to encourage further discussion.

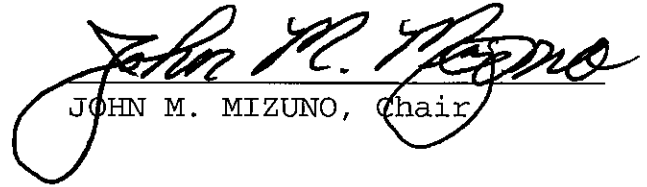
As affirmed by the records of votes of the members of your Committees on Human Services and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2978, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2978, H.D. 1, and be referred to the Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committees on Human Services
and Health,



RYAN I. YAMANE, Chair



JOHN M. MIZUNO, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

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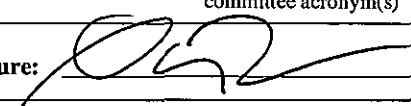
Record of Votes of the Committee on Human Services

Bill/Resolution No.: HB 2978	Committee Referral: HUS/HLT, FIN	Date: 2/04/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	/			
2. BROWER, Tom (VC)	/			
3. BELATTI, Della Au		/		
4. BERTRAM, Joe, III	/			
5. CARROLL, Mele	/			
6. NISHIMOTO, Scott Y.	/			
7. SHIMABUKURO, Maile S.L.	/			
8. YAMANE, Ryan I.	/			
9. WARD, Gene	/			
TOTAL (9)	8	1	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Tom Brower</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

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Record of Votes of the Committee on Health

Bill/Resolution No.: HB 2978	Committee Referral: HUS/HLT, FIN	Date: Feb. 4, 2010		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMANE, Ryan I. (C)	/			
2. NISHIMOTO, Scott Y. (VC)	/			
3. BELATTI, Della Au		/		
4. BERTRAM, Joe, III	/			
5. BROWER, Tom	/			
6. CARROLL, Mele	/			
7. MIZUNO, John M.	/			
8. SHIMABUKURO, Maile S.L.	/			
9. FINNEGAN, Lynn				/
TOTAL (9)	7	1		1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				