

LINDA LINGLE
GOVERNOR



LILLIAN B. KOLLER, ESQ.
DIRECTOR

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

February 4, 2010

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: H.B. 2978, RELATING TO CARE HOMES

Hearing: Thursday, February 4, 2010, 9:00 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of H.B. 2978 is to create a uniform set of regulations concerning home and community-based residential care homes. It repeals current provisions relating to adult residential care homes (ARCHs) and expanded adult residential care homes (EARCHs) currently under the purview of the Department of Health (DOH), and combines them with the provisions for community care foster family homes (CCFFHs) under the purview of the Department of Human Services (DHS.)

DEPARTMENT'S POSITION: The Department of Human Services (DHS) must respectfully oppose this bill. Given the State's current fiscal constraints, with a budget shortfall of \$1.23

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billion for the biennium, now is not the right time to propose sweeping inter-departmental organizational changes without knowing the fiscal and personnel impacts.

DHS is not in a position to divert our reduced staff or resources for the new duties. Now, more than ever, we need to focus our energy and efforts on our current core functions.

Along with any statutory changes made by the Legislature, the corresponding Hawaii Administrative Rules for both DOH and DHS will have to be repealed or amended so as not to be in conflict with the State statutes. This is a long process which would not necessarily ensure the health, safety and welfare of individuals placed in these homes.

Thank you for this opportunity to testify.

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

HOUSE COMMITTEES ON HUMAN SERVICES AND HEALTH

H.B. 2978, RELATING TO CARE HOMES

Testimony of Chiyome Leinaala Fukino, M.D.

Director of Health

February 4, 2010

1 **Department's Position:** The department respectfully but strongly OPPOSES this bill as currently
2 drafted.

3 **Fiscal Implications:** The fiscal impact cannot be readily quantified but is likely to be significant to
4 implement.

5 **Purpose and Justification:** The purpose of the bill is unclear. It reassigns a key DOH function of
6 licensing of adult residential care homes (ARCH) to another department in stark contrast to a 2002 State
7 Auditor's Report. In December 2002 the state auditor, Marion Higa, provided a report to the governor
8 and the legislature titled "Study To Determine the Appropriate State Agency To Oversee the Regulation
9 of Adult Residential Care Homes and Adult Foster Homes." (Report No. 02-22) The study was
10 conducted pursuant to Senate Concurrent Resolution No. 37, Senate Draft 1, of the 2002 Regular
11 Session. The resolution requested the Auditor to determine the appropriate state agency to oversee both
12 the funding and regulation of adult residential care homes and adult foster homes. She concluded that
13 the DOH "is the more appropriate agency to regulate adult residential care homes and adult foster
14 homes" but she acknowledged that an overlap of responsibilities for adult foster homes was sufficient
15 for DHS to maintain its oversight (page 22). In short, she recommended "that the Departments of

1 Health and Human Services continue to regulate adult residential care homes and adult foster homes,
2 respectively.”

3 Moreover, the licensing of healthcare facilities requires clinical and medical expertise that
4 traditionally is housed within the DOH. The DOH employs professional registered nurses, dietitians,
5 and occupational therapists who conduct thorough and direct oversight and monitoring of ARCHs
6 through a schedule of announced and unannounced onsite visits and complaint investigations. The DOH
7 professionals provide training and consultative advice to care home operators. The department also
8 reviews and approves training modules for care and nutrition coursework for caregivers and the
9 department will soon provide an in depth orientation of the licensing rules as a way to improve a care
10 home operator’s license application and so that all currently licensed operators are more acutely aware
11 of the licensing rules. This is a significant difference that the department provides that positively adds to
12 maintaining and improving the quality of care for ARCH residents.

13 As a result, this bill’s proposal to move the ARCH licensing functions away from the DOH
14 appears to be unnecessary at best and unwise at worst.

15 Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2010 5:29 PM
To: HUSTestimony
Cc: donna@cmihawaii.com
Subject: Testimony for HB2978 on 2/4/2010 9:00:00 AM

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Testimony

Testimony for HUS/HLT 2/4/2010 9:00:00 AM HB2978

Conference room: 329
Testifier position: comments only
Testifier will be present: Yes
Submitted by: Donna Schmidt
Organization: Case Management, Inc.
Address: 94-229 Waipahu Depot Street #404
Phone: 808-429-8204
E-mail: donna@cmihawaii.com
Submitted on: 2/3/2010

Comments:

Page 41 - line 6: Stating that the Department shall adopt standard contract that shall be use by the case management agency. This would infringe upon the rights of the CMA to develop their own contracts and micro manage the CMA's.

Page 41 Line 11 relative to the review board. representation from a licensed case management agency and the managed care organizations is required if the review board is to be credible.

Page 41 relating to CMA's reporting to the review board, CMA's currently report to two managed care organizations, DHS and CTA. It is not appropriate to mandate CMA's to report to this review board as well.

AFHA - ADULT FOSTER HOMECARE ASSOCIATION

P.O. Box 970092
Waipahu, Hawaii 96797

February 3, 2009

Testimony in **Support of HB 2978** – HUS/HLT - Feb. 4, 2009, 9:00 a.m., Rm. 329

Chairs Mizuno and Yamane, and Members of the Committees:

The Adult Foster Home Association (AFHA) **supports HB 2978**. AFHA applauds this collective effort among stakeholders to enact uniform standards across the caregiving industry. AFHA respectfully requests an addition of language that community care foster homes certified for 3 clients shall have an additional nurses' aide (NA).

This additional NA is for consumer protection purposes. Having an additional NA will assure safety and better care for clients and patients

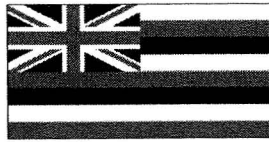
For these reasons, AFHA strongly supports HB 2978.

Very truly yours,

Adult Foster Home Association

Lani Akee, President

LATE
Testimony



CAPITOL CONSULTANTS OF HAWAII, LLP
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February 3, 2010

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Testimony

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

Representative Ryan I. Yamane, Chair
Representative Scott Nishimoto, Vice Chair
Committee on Health

RE: HB2978 Relating to Care Homes

Dear Chair Mizuno, Vice Chair Brower, Chair Yamane, Vice Chair Nishimoto and Members of the Committee:

My name is John Radcliffe representing Alliance of Residential Care Administrators and we strongly support HB 2978. We have needed this legislation which creates uniformity in regulations concerning our industry for a long time. Ours is an industry which has as its most sacred obligation the health and safety of thousands of Hawaii's senior citizens.

We cannot afford to have a system of regulation which obviates a common high standard of care. In the long run, or even in the near future, standardization of such care will save time and money for the care homes because it will set out a common set of principles and obligations upon which to operate. More importantly, we believe that by setting common, high standards, that lives will have been made more comfortable and even, in some cases, saved.

We urge you to pass this bill. Thank you for this opportunity to testify.

Respectfully Submitted,

John H. Radcliffe
Vice President

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 04, 2010 4:29 AM
To: HUStestimony
Cc: hokulaki1@hawaii.rr.com
Subject: Testimony for HB2978 on 2/4/2010 9:00:00 AM

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Testimony

Testimony for HUS/HLT 2/4/2010 9:00:00 AM HB2978

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Myriam Tabaniag
Organization: Alliance of Residential Care Administrators (ARCA)
Address: P.O. Box 758 Pearl City, Hawaii
Phone:
E-mail: hokulaki1@hawaii.rr.com
Submitted on: 2/4/2010

Comments:

To Representative Ryan Yamane and Representative John Mizuno, Co-Chairs and Members of the Health and Human Services Committee:

My name is Myriam Tabaniag, President of the Alliance of Residential Care Administrators (ARCA) and also the Pres. and Owner of two carehomes here in Hawaii.

I strongly support HB 2978.

On behalf of the carehome industry, what we, as caregivers would really want and desire as the outcome of this bill is the standardization of patient/resident referral system from hospitals, long-term care facilities, agencies, etc.

At the present time, there are many residents/clients that are inappropriately placed in both foster homes and care homes.

For the health and safety of any resident looking for placement in a community-based facility or nursing home, admission to the licensed or certified home or nursing home should be based primarily on the nature and extent of the resident's needs and the licensee's or primary care giver's expertise and capabilities of providing the appropriate care. We ask that there be a consistency in the discharge and referral system from hospitals, long-term care facilities, home health agencies, etc. We could only accomplish appropriate placement of residents by the standardization of the discharge and referral system.

Thank you for allowing me to testify.