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**PRESENTATION OF THE
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE HOUSE COMMITTEE ON HUMAN SERVICES

AND

TO THE HOUSE COMMITTEE ON HEALTH

**TWENTY-FIFTH LEGISLATURE
Regular Session of 2010**

**Thursday, March 18, 2010
10:30 a.m.**

**TESTIMONY ON HOUSE RESOLUTION NO. 15 AND HOUSE CONCURRENT
RESOLUTION NO. 53, REQUESTING THE AUDITOR TO CONDUCT A SUNRISE
REVIEW TO DETERMINE WHETHER CASE MANAGERS SHOULD BE CERTIFIED
BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS.**

**TO THE HONORABLE JOHN M. MIZUNO, CHAIR, AND
TO THE HONORABLE RYAN I. YAMANE, CHAIR,
AND MEMBERS OF THE COMMITTEES:**

My name is Celia Suzuki, Acting Licensing Administrator for the Professional and Vocational Licensing Division ("PVLD") of the Department of Commerce and Consumer Affairs ("DCCA"). PVLD appreciates the opportunity to testify on House Resolution No. 15 and House Concurrent Resolution No. 53, Requesting the Auditor to Conduct a Sunrise Review to Determine Whether Case Managers Should be Certified by the Department of Commerce and Consumer Affairs.

For the Committees' information, we have grave concerns with these resolutions as they specifically name DCCA as the implementing agency. Section 26H-6, Hawaii Revised Statutes ("HRS"), requires that the Auditor conduct a sunrise analysis on all new regulatory measures being considered for enactment. As such, this section also gives the Auditor the latitude to determine which agency should implement the new regulation.

We therefore respectfully request that all references to DCCA be removed from the resolutions and that page 2 and the BE IT RESOLVED provisos be amended as follows:

BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2010, the Senate concurring, that the Auditor is requested to perform a sunrise review of the regulation of case managers [~~by the Department of Commerce and Consumer Affairs~~] as contemplated under H.B. No. , introduced during the regular session of 2010; and

NEW LANGUAGE TO BE ADDED:

BE IT FURTHER RESOLVED that the Auditor is requested to examine the various state agencies to determine which agency would be best suited to implement the regulation of case managers; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Auditor, [and] the Director of Commerce and Consumer Affairs, the Director of Health, and the Director of Human Services.

Thank you for the opportunity to express our concerns with these resolutions.



CATHOLIC CHARITIES HAWAII

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

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

FROM:


Diane M. Terada, Division Administrator

DATE of Hearing: Thursday, March 18, 2010
10:30 a.m., Room 329

SUBJECT: HR15/HCR53 Requesting The Auditor To Conduct A Sunrise Review To Determine Whether Case Managers Should Be Certified By The Department Of Commerce And Consumer Affairs

Catholic Charities Hawai'i (CCH) is a private, 501(c)(3) organization that has provided social services for people in need in the State of Hawaii since 1947. CCH would like to offer comments on HR15 and HCR53.

CCH is a licensed case management agency on the island of Hawai'i and has provided case management for community care foster family home residents since 1997. In addition, CCH provides case management for elders living independently, children in the child welfare system and other special needs populations. CCH is nationally accredited through the Council on Accreditation (COA), which includes standards pertaining to the provision of case management services that must be followed.¹

CCH recognizes that case management has many forms. The term is sometimes used interchangeably with terms such as "social work", "discharge planning", "counseling", "information & referral", "service coordination" and more. It is clearly confusing for the public when "case management" is used to describe services that are not always equal and provided by individuals calling themselves "case managers" who do not always have the same expertise or training.

¹ <http://www.coastandards.org/standards.php>



COMMENTS:

1. **The resolutions refer specifically to certification from the Commission for Case Management Certification (CCMC).**
 - o **CCMC is not the only organization that certifies individuals as case managers.** Hopefully, an auditor review can determine whether having a sole source of certification is in the public's best interest.
 - o **The CCMC case manager certification is only available to individuals with a professional license or certification that legally allows the individual to practice independently and without the supervision of another licensed professional.** For example, this could be Registered Nurses and Licensed CLINICAL Social Workers (LCSW).² I believe that Licensed Social Workers (LSW, LBSW) may not be eligible for this specific certification as defined and I have been unable to verify this with the CCMC. Since there are numerous LSW's currently allowed to serve as Case Managers in State licensed Case Management Agencies, this may also be an issue.
2. **Any review must consider the diversity of case management services and should specifically study the requirements for licensed case management agencies providing services as described in HRS 346-333.** This particular type of case management is highly regulated and includes delegation of nursing functions that is not common in most other models of case management.
3. **Case management services are specifically referred to in many Requests for Proposals for health and human services issued by government entities. However, the required service components and the educational and experience requirements for staff as required by government contracts are not necessarily consistent.**
4. **Additional requirement of certification for case managers will add cost to provision of case management services.**
5. **Certification of individuals who already have a professional license in a field such as social work (LSW, LBSW, LCSW) is duplicative since case management is a part of social work curriculum.** This also pertains to organizations that are nationally accredited and required to follow case management standards established by their national accreditation bodies. **Nationally accredited organizations are required to ensure that case management standards are met in organizational practice, regardless of whether individual employees have certification or not.**

Thank you for the opportunity to testify. Please feel free to contact me at 527-4702 or diane.terada@catholiccharitieshawaii.org if there are any questions regarding the contents of this testimony.

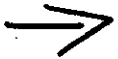
² http://www.ccmcertification.org/pages/14frame_set.html

From: Rosalinda Malalis [mailto:nightingalecmi@hotmail.com]
Sent: Wednesday, March 17, 2010 9:01 AM
To: HUS testimony
Subject: Testimony

Testimony
March 16, 2010

From: Eugene C. Malalis Jr.
VP & Business Administrator
Nightingale Case Management (Adult Foster Care)

To: Committee on Human Services
Hearing on Thursday March 18, 2010
Time: 10:30 AM



RE: HR15/HCR53

We, in the Community Care Foster Family Home Program have already been Certified & Licensed by CTA (Community Ties of America) an Agency of the Department of Human Services & therefore I am against this measure since it is duplication of what is already been done.

RE: HR234/HCR 319

Our Agency does not believe that the above measure should be enacted as a legislative mandate since we are already over burdened by the documentation & reporting requirements stemming from the two Health Management Organizations that oversee our Adult Foster Care Program. Whereas, prior to February 2009, we only had to contend with one State Agency (CTA) and presently we have Three (3) that we report and are responsible to. (CTA, Evercare & Ohana). Besides this, our compensation has been slashed 17% and a Management & Financial Audit would only increase our operating cost & therefore result in additional Financial Stress not only for Ourselves, but also for many of the other agencies engaged in our program.

Finally, the majority of our Adult Foster Care Agencies have seasoned operators & staffs and in the 10 years that we have been engaged in this business, we cannot recall any Agency that had been forced to terminate their operations due to poor management or lack of sufficient operating capital.