



STATE OF HAWAII
DEPARTMENT OF HEALTH
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In reply, please refer to:
File:

Senate Committee on Health

SB0789, Relating to Home Health Agencies

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Acting Director of Health**

February 16, 2011

1 **Department's Position:** The department appreciates the intent of this bill but respectfully OPPOSES it
2 as currently drafted.

3 **Fiscal Implications:** If this bill is passed, the department will need additional nurse surveyor and
4 administrative support staff and operating resources in order to conduct the licensing activities. The
5 estimated costs could be as high as \$100,000 per year depending on the number of agencies to be
6 licensed.

7 **Purpose and Justification:** The bill proposes to change the definition of a home health agency (HHA).
8 The current definition is that an agency provides skilled care and therapeutic services (DOH emphasis)
9 under a physician's orders to a patient in their home. The bill proposes to change the "and" to "or" so
10 that agencies which only provide one service or the other would also be required to be licensed.

11 The current Hawaii licensing regulation for home health agencies mirrors the federal regulation
12 definition of a home health agency, which is "primarily engaged in providing skilled nursing services
13 and other therapeutic services." (DOH emphasis.) The current federal certification regulation for home
14 health agencies is straight out of the definition from the Social Security Act (Section 1861(o).

15 http://www.ssa.gov/OP_Home/ssact/title18/1861.htm

1 The bill gives the mistaken impression that state scrutiny is lacking since licensure is not
2 required. However, the state does require that individual nurses and physical, occupational and speech
3 therapists be licensed and that certified nurse aides (CNA) must be certified if they are performing
4 services under the licensure requirement. So, contrary to the mistaken impression given in the bill, there
5 is state oversight of these caregivers.

6 Thank you for the opportunity to testify.