

# SB937

Measure  
Title:

RELATING TO HEALTH.

Report  
Title:

Kupuna Caucus; DOH; DHS; Care Facilities;  
Inspections

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, 2013.

Companion:

Package:

Kupuna

Current  
Referral:

HTH/HMS, WAM

Introducer(s):

CHUN OAKLAND, ESPERO, FUKUNAGA, IHARA,  
RYAN, WAKAI

NEIL ABERCROMBIE  
GOVERNOR



PATRICIA McMANAMAN  
INTERIM DIRECTOR  
PANKAJ BHANOT  
DEPUTY DIRECTOR

STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 10, 2011

**MEMORANDUM**

TO: The Honorable Josh Green, M.D., Chair  
Senate Committee on Health  
  
The Honorable Suzanne Chun Oakland, Chair  
Senate Committee on Human Services

FROM: Patricia McManaman, Interim Director

SUBJECT: **S.B. 937 - RELATING TO HEALTH**

Hearing: Thursday, February 10, 2011; 1:15 p.m.  
Conference Room 016, State Capitol

**PURPOSE:** The purpose of S.B. 937 is to require the Department of Human Services (DHS) and the Department of Health to post on their respective websites electronic copies of reports for all inspections performed on care facilities. For DHS, those care facilities include adult day care centers and community care foster family homes (CCFFHs) as defined in HRS section 346-331.

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) respectfully opposes this bill.

DHS recognizes that the general public wants information about the CCFFHs to help them make decisions on which home would be best for their loved ones. It would not be prudent to enact this bill into law at this time as it requires general funds when such funding is not available.

The Department's designee, Community Ties of America (CTA), uses a monitoring tool to determine whether all of the certification requirements set forth in Chapter 17-1454, Hawaii Administrative Rules, are met. The home is provided information on all deficiencies and is given a time-frame by which each deficiency must be corrected in order to retain the certification. If the conditions are not met, the home is not recertified.

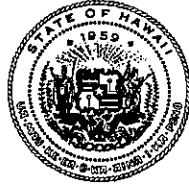
Posting of these monitoring reports will not help the general public to determine whether a home would meet the needs of a particular individual. The general public is advised to inspect the individual homes and to seek advice from their case managers regarding the appropriateness of the placement and the home's safety history. Additionally, individuals may contact CTA for further information.

We understand that the Federal Centers for Medicaid and Medicare Services (CMS) provides a five-star rating system for the nursing facilities nationwide. This is an elaborate and costly system that is available for review on the CMS website. To develop and maintain a similar system in Hawaii, DHS will require at the minimum, the following staffing:

- 1) At least two Program Specialists to develop the rating criteria and to compile and analyze data from the 1,053 CCFFHs and 38 adult day care centers statewide;
- 2) Computer programmer to facilitate data gathering and posting on Web; and
- 3) Clerical staff to manage paperwork and computer input.

General funds will be needed each year to maintain this system. Given the State's fiscal situation, it would not be prudent to pursue enactment of this bill at this time.

Thank you for the opportunity to testify.



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

In reply, please refer to:  
File:

**Senate Committees on Human Services and Health**

**SB0937, Relating to Health (Post Inspection Reports)**

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

**February 10, 2011**

1 **Department's Position:** The department supports the intent of this bill but asks that it be held in  
2 committee or deferred.

3 **Fiscal Implications:** The department defers on the fiscal implications until the Executive Budget has  
4 been finalized. In 2010 the department estimated the initial-year costs at approximately \$46,000 and  
5 annual costs of \$34,000 thereafter if hardcopy inspection reports are uploaded onto the website.

6 **Purpose and Justification:** The department has met with the Executive Office on Aging and the  
7 governor's policy office and we are looking at developing a solution on how to better accomplish the  
8 intent of this bill. Rather than simply posting the written inspection reports, a better report must be  
9 developed which will allow the public to make better comparisons among the care facilities and to better  
10 understand the inspection reports, and the survey licensure documents needs to become digitized to  
11 simplify the uploading process. This effort requires time, resources and updating of the licensing survey  
12 documentation process and it will take a joint effort by the state and the private care facilities.  
13 Therefore, this bill is not necessary at this time.

14 Thank you for the opportunity to testify.

## **HAWAII DISABILITY RIGHTS CENTER**

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### **THE SENATE THE TWENTY-SIXTH LEGISLATURE REGULAR SESSION OF 2011**

#### **Committee on Health Committee on Human Services Testimony in Support of S.B. 937 Relating to Health Thursday, February 10, 2011**

Chair Green, Chair Chun-Oakland and Members of the Committees:

I am Louis Erteschik, Staff Attorney at the Hawaii Disability Rights Center, and am testifying in support of this bill.

The purpose of the bill is to require the Department of Health and Department of Human Services to post on their websites reports of their inspections of care facilities. As the state protection and advocacy system, one of our functions is to monitor the residents in the types of facilities mentioned in the bill for incidents of abuse or neglect. In fact, that was the original purpose and function of the protection and advocacy system, which was created by Congress in the wake of the scandal at the Willowbrook School in New York in the 1970s.

There are so many care facilities in the state that, despite our federal authority which allows us unannounced access to the residents therein, it is difficult to reach every facility and every resident. This bill would be of value to us as well as the residents because it would enable us to review the reports of care home violations, after which we could ascertain if it was appropriate to visit that facility to ensure the well being of the residents.

The bill also has value from the standpoint of consumer protection. As our population ages, and more people need to locate facilities in which to place their loved ones, it is often difficult to know the difference between various facilities and the quality of care offered. The ability to look on the website to see if there are violations would be an aid to these individuals as they attempt to navigate through the myriad of possible homes.

Thank you for the opportunity to testify on this measure.



SENATE COMMITTEE ON HEALTH  
Senator Josh Green, M.D., Chair

SENATE COMMITTEE ON HUMAN SERVICES  
Senator Suzanne Chun Oakland, Chair

Conference Room 016  
Feb. 10, 2011 at 1:15 p.m.

**Commenting on SB 937.**

The Healthcare Association of Hawaii advocates for its member organizations that span the entire spectrum of health care, including all acute care hospitals, as well as long term care facilities, home care agencies, and hospices. The Healthcare Association takes no position on SB 937, but would like to comment on it.

Healthcare Association members were surveyed on this issue. Most of the respondents support transparency but prefer that the information provided to the public resulting from the inspections, via website or at the facility, include the complete results, along with an explanation of the results and a description of all corrective action taken.

Thank you for this opportunity to comment on SB 937.

# Hawai'i Alliance for Retired Americans

An affiliate of the Alliance for Retired Americans  
c/o AFSCME · 888 Mililani Street, Suite 101 · Honolulu, Hawaii 96813

*AFT Hawaii Retirees  
HGEA Retirees  
HSTA – Retired  
ILWU Retirees  
Kokua Council  
Machinists Union Retirees  
UPW Retirees  
ADA/Hawaii  
Hawaii Family Caregivers Coalition*

(Submitted by email to: [HMSTestimony@capitol.hawaii.gov](mailto:HMSTestimony@capitol.hawaii.gov) February 9, 2011)

Statement of Al Hamai, President, in Support of SB 937, Relating to Care  
Facilities Inspection Reports

## Hearing Senate Health and Human Services Committees

February 10, 2008, 1:15 p.m. Conference Room 016

Chair Chun Oakland and Chair Green and Members of the HTH and  
HMS Committees,

The purpose of this bill is to require 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, 2013. This is a  
Kupuna Caucus bill and we concur with its very important purpose.

Already Medicare through its website: ***Medicare.gov-Nursing Home  
Compare*** provides online inspection reports of nursing homes and  
assisted living facilities, that are helpful. Check out the website since  
it provides easily accessible important info on the various licensed  
facilities so that citizens can make informed choices of LTC facilities.

This bill requires posting online inspection reports of licensed Adult  
Residential Care Homes (ARCHs) and Foster Care Homes. Already  
when a person requests the DOH or DHS for a specific inspection  
report of a facility, the appropriate department will provide such  
person with the inspection report. The problem is that this process  
takes time, a week or two weeks and it further ties up valuable staff  
time of the short handed staff.

*TO: Senate Health and Human Services Committees on SB 937, via email, February 9, 2011, Hearing on February 10, 1:15 p.m. Conference Room 016, from Al Hamai, HARA, 2 of 2 pages*

The need to find a LTC facility often comes suddenly, often following an unexpected hospital stay or other emergency when a doctor advises that the patient needs 24/7 care and the hospital staff states that the patient can no longer remain more than a couple of days at the hospital, per Medicare, or hospital rules.

As one who has personally experienced this need to find a suitable LTC facility for a family member in a couple of days, I do not wish this task on anyone else. I was provided by the hospital staff with a listing of about twenty facilities with address and phone numbers, with a suggestion that I find a LTC facility. So I called and visited about four facilities, some of which I would never have wasted my time visiting. Fortunately we found a suitable facility, after our initial panic. Enactment of this bill will be very useful to the growing number of elderly people and their caregivers, who will need to select a LTC facility. Already over twenty states provide info online for their citizens. We should be next.

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If it is at all possible to get this public information online without enactment of this bill through administrative procedures and/or processes, that would be really great. This would expedite the implementation of this policy to get these inspection reports of ARCHs and Foster Care Homes online this year rather than two or three years hence.

Please do your utmost to get online the inspection reports of ARCHs and Foster Care Homes for the benefit of our citizens, the sooner the better. Inspection reports on nursing homes and assisted living facilities are already public and online at the Medicare website. Mahalo.

*HARA is a strong voice for Hawaii's retirees and seniors; a diverse community-based organization with national roots; a grassroots organizer, educator, and communicator; and a trusted source of information for decision-makers.*



February 9, 2011

To: COMMITTEE ON HUMAN SERVICES  
Senator Suzanne Chun Oakland, Chair  
Senator Les Ihara, Jr., Vice Chair

COMMITTEE ON HEALTH  
Senator Josh Green, MD, Chair  
Senator Clarence K. Nishihara, Vice Chair

From: Lyn Moku

Hearing: February 10, 2011 – 1:15 p.m., Conference Room 016

Subject: **SUPPORT OF SB 937 RELATING TO HEALTH. 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, 2013.**

My name is Lyn Moku. I submit this testimony as a family caregiver. I support SB 937 which 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, 2013.

For a period of three years and until the time when my mother was admitted to a residential foster home, I was the primary family caregiver for my mother. When my mother's physician explained that she required constant care due to Alzheimer's disease, I had no alternative but to find a care facility where she could live.

I received several provider referrals from case managers at The Queen's Medical Center, took along some guidelines on hiring help at home, and met with five providers in their homes. My intention was to interview each operator, conduct a site visit, and gather as much information as I could about the person who would eventually take care of my mother. I traveled across the island to visit each person. It took almost a week, which is very fast, to find the right provider and the right environment.

I will mention just two situations. One of the operators lived in Waipahu very close to the highway. Her home and property looked secure. Although the bedroom with four beds left little room for people to walk around, the rest of the house was roomy. The woman was very open with me and explained that one of her clients had found a way to open the front gate and had wandered out and across the multi-lane highway several times. He was eventually brought back to the home by the police, unharmed. While on a tour with another operator, I noticed the weekly menu posted on the kitchen bulletin board. It was healthy and well-balanced; the kind of food my mother would enjoy. The woman's clients, however, were all eating ramen noodles topped with sardines in tomato sauce. That was not on the menu.

These two situations are very minor compared to some of the stories we have heard from health professionals, family members and clients. My observations were limited to what I

could see and what I was told. I didn't use an official check list; I was not aware of all the health standards and requirements. I was just trying to find the right place and the level of care for my mother. My visits were unplanned and scheduled the same day, yet they revealed a lot to me. I knew I had to keep looking.

I was fortunate, actually blessed, to find the right provider and home for my mother, but others are not as fortunate. If there is nothing to hide, there should be no fear of posting inspections for the public to see. This bill is about consumer protection—protecting the most vulnerable people in our society.

I support SB 937 and ask you to vote in favor of this Bill. Thank you for the opportunity to testify.

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