



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

February 7, 2011

MEMORANDUM

TO: The Honorable Ryan I. Yamane, Chair
House Committee on Health

The Honorable John M. Mizuno, Chair
House Committee on Human Services

FROM: Patricia McManaman, Interim Director

SUBJECT: **H.B. 157 - RELATING TO HEALTH**

Hearing: Monday, February 7, 2011; 10:15 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of H.B. 157 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 as defined in 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.



HAWAII DISABILITY RIGHTS CENTER

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THE HOUSE OF REPRESENTATIVES THE TWENTY-SIXTH LEGISLATURE REGULAR SESSION OF 2011

Committee on Health Committee on Human Services Testimony in Support of H.B. 157 Relating to Health

Monday, February 7, 2011, 10:15 A.M.

Chair Yamane and Chair Mizuno 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.



HOUSE COMMITTEE ON HEALTH
Rep. Ryan Yamane, Chair

HOUSE COMMITTEE ON HUMAN SERVICES
Rep. John M. Mizuno, Chair

Conference Room 329
Feb. 7, 2011 at 10:15 a.m.

Commenting on HB 157.

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 HB 157, 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, including all corrective action taken.

Thank you for this opportunity to comment on HB 157.