



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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**LATE TESTIMONY**

LORETTA J. FUDDY, A.C.S.W., M.P.H.  
ACTING DIRECTOR OF HEALTH

In reply, please refer to:  
File:

**House Committee on Health**

**HB0411, Relating to Home Health Agencies**

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

**February 8, 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 (department  
9 emphasis) under a physician's orders to a patient in their home. The bill proposes to change the "and" to  
10 "or" so that agencies which only provide one service or the other would also be required to be licensed.

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

15 [http://www.ssa.gov/OP\\_Home/ssact/title18/1861.htm](http://www.ssa.gov/OP_Home/ssact/title18/1861.htm)

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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 must 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.