

# SB1140

Measure  
Title:

RELATING TO HEALTH CARE.

Report  
Title:

Health Care; Out-of-State Transfer; Notification;  
Developmental Disabilities; Long-term Care

Description:

Requires health care facilities and providers to notify the state-designated advocacy services entity or agency prior to transferring an elderly or disabled patient to a treatment, rehabilitation, or long-term care facility in another state.

Companion:

Package:

None

Current  
Referral:

HMS/HTH

Introducer(s):

GREEN, Espero, Nishihara, Shimabukuro

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



LORETTA J. FUDDY, ACSW, MPH  
ACTING DIRECTOR OF HEALTH

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

In reply, please refer to:  
File:

**Committees on Human Services and Health**

**SB 1140, RELATING TO HEALTH CARE**

**Testimony of Loretta J. Fuddy, ACSW, MPH  
Acting Director of Health**

**February 10, 2011**

- 1 **Department's Position:** The Department of Health opposes S.B. 1140
- 2 **Fiscal Implications:** Unknown.
- 3 **Purpose and Justification:** S.B. 1140 will require all health care facilities and health care providers to
- 4 notify the state-designated protection and advocacy entity or agency prior to transferring any individual
- 5 to a treatment, rehabilitation, or long-term care facility in another state. The Department appreciates the
- 6 concern of the legislature and believes that all incapacitated individuals should be afforded protection
- 7 and advocacy services.
- 8 The statute that this bill will amend is the Developmental Disabilities Division's authorizing statute,
- 9 Hawaii Revised Statutes (HRS) 333F. HRS 333F specifically is related to individuals with
- 10 Developmental Disabilities. S.B. 1140 expands the service to "the elderly" with no clear direction.
- 11 Furthermore, the bill seeks to allow advocacy services access to all records. HRS 333F already provides
- 12 the designed advocacy agency access to all records for those with developmental disabilities and
- 13 protects their rights to privacy.
- 14 Thank you for the opportunity to testify.



# THE QUEEN'S MEDICAL CENTER

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Senator Josh Green, M.D., Chair  
Senator Clarence K. Nishihara, Vice Chair  
**COMMITTEE ON HEALTH**

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

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

## **Commenting on Senate Bill 1140 r/t Health Care**

Chairs Chun Oakland and Green, Vice Chairs Ihara and Nishihara and Members of the Committee,

My name is Cynthia Kamikawa. I am the Vice President of Nursing, Emergency and Trauma Services and the Chief Nursing Officer at The Queen's Medical Center and would like to offer comments on SB 1140, which requires entities to notify the state-designated advocacy services entity or agency prior to transferring an elderly or disabled patient to an out-of-state treatment, rehabilitation or long-term care facility.

Queen's is the largest private tertiary care hospital in the State of Hawaii. We offer specialized care in the areas of cardiology, oncology, orthopedics, neuroscience, behavioral health, women's health, emergency and trauma. Hawaii's health care system is comprised of providers who treat patients at various levels of the care continuum ranging from primary care to acute inpatient care to long-term care. The ability of the health care system to meet the needs of all of Hawaii's patients is degraded when patients cannot access the appropriate level of care.

In fiscal year 2010 Queen's admitted 24,900 patients for acute inpatient services. Most patients can be discharged to home or to a post-acute care facility when their need for acute inpatient care has ended. However, there are many patients who remain at Queen's well beyond their acute inpatient medical stay, unable to be discharged because the necessary community resources are not available. These patients may remain at Queen's for a matter of days, weeks, or months and in some cases over a year pending the arrangement of needed community services.

And Queen's is not alone. On any given day 150 patients are waitlisted for long-term care in acute care hospital settings across our State. This reduces Queen's and other hospitals' capacity to serve the acute inpatient care needs of our community, resulting in problems such as extended waits in the emergency department, diverting of ambulances to other emergency rooms, and delays in transfers from other hospitals. On rare occasions, Queen's has transferred patients out-

of-state. It is only done as a last resort when all local options have been exhausted. In every instance, the clinical needs of the patient are addressed and the family participates in the process. We recognize that it is an emotional and stressful situation for patients and families and our physicians, nurses, social workers and case managers make every effort to support them.

Queen's agrees with the measure's findings that there is a severe lack of long-term care capacity and that it will only worsen as our population ages. We welcome attention to the waitlist dilemma in Hawaii in hope that efforts will be initiated to address this need.

Thank you for the opportunity to comment on this measure.



## **HAWAII DISABILITY RIGHTS CENTER**

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

#### **Committee on Human Services Committee on Health Testimony on S.B. 1140 Relating to Health Care**

**Thursday, February 10, 2011, 1:15 P.M.  
Conference Room 016**

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

I am Louis Erteschik, Staff Attorney at the Hawaii Disability Rights Center, and am offering the following testimony on this bill.

The purpose of the bill is to require that various health care providers and facilities in Hawaii notify us, as the state protection and advocacy agency, prior to transferring certain disabled patients to facilities out of state.

Several years ago, we strongly supported the bill because at that time we were aware that significant numbers of people from Hawaii were being transferred to nursing homes in Ohio without the knowledge or consent of family members and guardians. In contrast, the practice of sending patients out of state has not come to our attention much in the past few years. We have not been made aware of any recent such transfer.

In light of that, we suggest that there may be no pressing need for this bill. If, however, the Committees were inclined to advance the measure, we believe the notice served

under the bill might more appropriately be provided to a regulatory department within the state that has jurisdiction over the licensing of the facilities involved.

Thank you for the opportunity to provide testimony.