

HMS TESTIFIER SIGN-UP SHEET

If you did not submit written testimony by ^{1:13}~~4:00~~ p.m. yesterday and would like to testify, please sign-up on this sheet. Testifiers will be taken in the order signed in.

BILL NO: SB 2009

| NAME | ORGANIZATION | POSITION (support/oppose) |
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ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2012 9:03 AM
To: HMS Testimony
Cc: robertscottwall@yahoo.com
Subject: Testimony for SB2809 on 1/31/2012 1:10:00 PM

Testimony for HMS 1/31/2012 1:10:00 PM SB2809

Conference room: 016
Testifier position: Support
Testifier will be present: Yes
Submitted by: Scott Wall
Organization: Individual
E-mail: robertscottwall@yahoo.com
Submitted on: 1/31/2012

Comments:



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

January 31, 2012

TO: The Honorable Senator Suzanne Chun Oakland, Chair
Senate Committee on Human Services

FROM: Patricia McManaman, Director

SUBJECT: **S.B. 2809 - RELATING TO MAKING AN EMERGENCY
APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES**

Hearing: Tuesday, January 31, 2012; 1:10 p.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of the bill is to make an emergency appropriation from general revenues of the State of Hawaii for fiscal year 2011-2012 to address the budget shortfall for General Support for Health Care Payments (HMS 902) in the Department of Human Services.

DEPARTMENT'S POSITION: The Department strongly supports this Administration bill to provide for the authorization and payment of claims against the State for payment of attorneys' fees, in the amount of \$70,124.05 for a lawsuit the State lost in 2009, *Sound v Koller*, Civil No. 09-00409 JMS KSC.

The bill to appropriate funds for claims and settlements, which included \$70,124.05 for the subject DHS case, did not pass during the regular session of 2011. In order to avoid garnishment action by the plaintiff's attorneys, the DHS agreed to make a partial payment of \$39,243.15 from HMS 902 (General Support for Health Care Payments) on behalf of the

Attorney General and to request an expedited appropriation in the 2012 Legislative Session for reimbursement of the partial payment as well for the remaining amount to be paid of \$30,880.90. The requested appropriation of \$70,124.05 will address the shortfall resulting from the funds already expended and will allow payment of the balance, thus ensuring that no garnishment action is taken against the State.

Thank you for the opportunity to testify on this bill.

LATE



NEIL ABERCROMBIE
GOVERNOR

BRIAN SCHATZ
LT. GOVERNOR

STATE OF HAWAII
INSURANCE DIVISION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

P. O. BOX 3614
HONOLULU, HAWAII 96811-3614
335 MERCHANT STREET, 2ND FLOOR
HONOLULU, HAWAII 96813
Phone Number: (808) 586-2790
Fax Number: (808) 586-2806
www.hawaii.gov/dcca/ins

KEALI' S. LOPEZ
DIRECTOR

GORDON I. ITO
INSURANCE COMMISSIONER

TO THE SENATE COMMITTEE ON HUMAN SERVICES

TWENTY-SIXTH LEGISLATURE
Regular Session of 2012

Tuesday, January 31, 2012
1:15 p.m.

TESTIMONY ON SENATE BILL NO. 2309 – RELATING TO LONG-TERM CARE.

TO THE HONORABLE SUZANNE CHUN OAKLAND, CHAIR, AND MEMBERS OF
THE COMMITTEE:

My name is Gordon Ito, State Insurance Commissioner (“Commissioner”),
testifying on behalf of the Department of Commerce and Consumer Affairs
(“Department”). The Department supports this bill, with one requested amendment.

The purpose of this bill is to create the Hawaii Partnership for Long-Term Care
Program in the Department of Human Services (section 1 of the bill) and to amend
Hawaii Revised Statutes (“HRS”) § 431:10H-221 (section 2 of the bill). The Department
limits its substantive comments to section 2 of the bill and defers to the Department of
Human Services as to substance of section 1 of the bill with one amendment.

Section 1 of the proposed new chapter refers to a producer in the subsections 2
and 7. The term producer should be added in subsection 2, referencing article 9A, HRS
chapter 431.

Section 2 adds a new subsection to HRS § 431:10H-221 to expressly allow the
exchange of an existing long-term care insurance policy for a long-term partnership
policy. The Department believes the exchange of policies is not problematic provided
that policy benefits and premiums are equitable.

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DCCA Testimony of Gordon Ito
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This bill is intended to encourage members of the public to purchase long-term care insurance policies and to reduce reliance upon the Medicaid program.

Adding the definition of producer will allow for clarity that the individual is governed by HRS chapter 431.

We thank this Committee for the opportunity to present testimony on this matter.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2012**

ON THE FOLLOWING MEASURE:

S.B. NO. 2809, RELATING TO AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES.

BEFORE THE:

SENATE COMMITTEE ON HUMAN SERVICES

DATE: Tuesday, January 31, 2012 **TIME:** 1:10 p.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): David M. Louie, Attorney General, or
Lee-Ann N.M. Brewer, Deputy Attorney General, or
John F. Molay, Deputy Attorney General

Chair Chun Oakland and Members of the Committee:

This is an administrative measure, HMS-18(12).

The Department of the Attorney General supports this bill, which seeks an emergency appropriation of funds to pay attorneys fees that the State was ordered to pay to Plaintiffs' counsel in *Sound v. Koller*, Civil No. 09-00409 JMS/KSC during fiscal year 2010-2011.

These attorneys' fees, however, have been included in House Bill No. 2438 and Senate Bill No. 2700, MAKING EMERGENCY APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES, which fund judgments and settlements of claims made against the State in fiscal year 2010-2011. H.B. No. 2438 has been set for hearing on Tuesday, January 31, 2012, at 2:00 p.m., before the House Committee on Judiciary. S.B. No. 2700 has not yet been set for hearing. If either H.B. No. 2438 or S.B. No. 2700 passes with the funding for the attorneys' fees ordered in *Sound v. Koller*, then this measure, S.B. No. 2809, will be unnecessary.