



**LATE  
TESTIMONY**

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

Conference Room 229  
Feb. 16, 2011 at 2:45 p.m.

**Supporting SB 789.**

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. Thank you for this opportunity to testify in support of SB 789, which establishes an accurate and meaningful definition of "home health agency" for licensing purposes.

The Department of Health currently licenses home health agencies, but it is using a definition for "home health agency" that is overly restrictive. As a result, some agencies that are providing home health services are not licensed.

"Home health agency" is generally defined as an organization that provides medical care by nurses and other licensed professionals under a physician's direction to people in their own homes.

Section 321-11, Hawaii Revised Statutes, authorizes the Department of Health to license home health agencies, and it has adopted rules for that purpose. Chapter 97, Hawaii Administrative Rules, defines "home health agency" for the purpose of licensing. According to the definition, a home health agency is one that provides "skilled nursing services and other therapeutic services."

The Department of Health has interpreted this definition to mean that a home health agency provides both skilled nursing services and other therapeutic services. An agency that provides only "skilled nursing services" or only "other therapeutic services" is not considered to be a home health agency and not subject to licensing as a home health agency. This interpretation puts the public in jeopardy.

The purpose of this bill is to statutorily establish an accurate and meaningful definition for "home health agency" that encompasses those that provide skilled nursing services or other therapeutic services, or both, under the direction of a physician. The bill also requires the Department of Health to license these agencies.

For the foregoing reasons, the Healthcare Association supports SB 789.