

Honolulu, Hawaii

APR 05 2013

RE: H.B. No. 398
H.D. 1
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 398, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HUMAN SERVICES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require child care facilities, including family child care homes, group child care centers, and group child care homes; and infant and toddler child care centers that care for children less than one year of age to develop, maintain, and implement safe sleep policies, in accordance with rules adopted by the Department of Human Services, to prevent sudden unexpected infant deaths and sudden infant death syndrome; and
- (2) Establish a task force to address issues of home and community-based facilities during the transition of services from the Department of Human Services to the Department of Health.

Your Committee received testimony in support of this measure from the March of Dimes Foundation, Hawaii Chapter; Case Management Council; Case Management Professionals, Inc.; All Island Case Management Corporation; Adult Foster Homecare Association of Hawaii; and numerous individuals. Your Committee



received comments on this measure from the Department of Health and Department of Human Services.

Your Committee finds that Hawaii is one of only seven states that do not regulate sleep positions in child care centers or family child care homes. Requiring child care facilities that care for children under the age of one year to implement safe sleep policies will help prevent infant deaths caused by unsafe sleeping environments and positions.

Your Committee further finds that Act 93, Session Laws of Hawaii 2012, transfers certain programs of the Department of Human Services, relating to home and community-based case management, community care foster family homes, and adult day care, to the Department of Health on July 1, 2014. This measure establishes a task force to address the issues facing home and community-based facilities during this transition. However, your Committee has heard the concerns related to the fiscal implication and administrative burden that the task force would impose on the Department of Human Services and the Department of Health. Your Committee concludes that a working group convened by the chairs of the House and Senate Committees on Human Services is a more effective way to review these issues without unduly burdening the Department of Human Services and the Department of Health. Amendments to this measure are therefore necessary.

Accordingly, your Committee has amended this measure by:

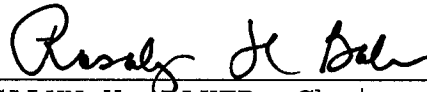
- (1) Establishing a working group convened by the Chairs of the House and Senate Committees on Human Services, rather than a task force to review issues relating to the transition of oversight of home and community-based facilities from the Department of Human Services to the Department of Health;
- (2) Amending the membership of the working group;
- (3) Clarifying that members of the working group shall serve without compensation and shall not be considered state employees based solely upon their participation in the working group;
- (4) Making other conforming amendments related to the working group;



- (5) Inserting an effective date of July 1, 2020, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 398, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 398, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,

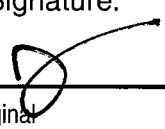


ROSALYN H. BAKER, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 398 HDI SDI	HMS/HTH, CPN	7/3/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
GALUTERIA, Brickwood (VC)	✓			
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama	✓			
TANIGUCHI, Brian T.				✓
WAKAI, Glenn				✓
SLOM, Sam	✓			
TOTAL	5			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes