

Honolulu, Hawaii

FEB 06 2013

RE: S.B. No. 358  
S.D. 1

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

Madam:

Your Committees on Human Services and Health, to which was referred S.B. No. 358 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose and intent of this measure is to require the Department of Health and the Department of Human Services to post on their respective websites reports of all inspections in which a violation was discovered at certain care facilities by January 1, 2015.

Your Committees received testimony in support of this measure from the Department of Health, Executive Office on Aging, State Council on Developmental Disabilities, ILWU Local 142, Policy Advisory Board for Elder Affairs, and twelve individuals. Your Committees received testimony in opposition to this measure from the United Group of Home Operators. Your Committees received comments on this measure from the Department of Human Services.

Your Committees find that the Department of Health is responsible for licensing, certifying, and monitoring several types of care facilities. Although the department performs inspections to ensure a standard of quality of these facilities using state monies, the public currently cannot easily access the information contained in the inspection reports. The public would benefit from greater access to information on the quality and conditions of care facilities in Hawaii. At least twenty-seven



states already have websites that provide evaluations of care facilities.

Your Committees have heard testimony expressing concerns about how long a violation should stay on the website and whether or not these violations should be archived on the website. Your Committees find that this issue raises a concern that merits further consideration and request that your Committee on Ways and Means further examine this issue raised by the testifiers on this measure.

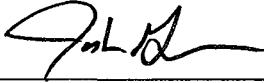
Your Committees have amended this measure by:

- (1) Removing the applicability of this measure to the Department of Human Services to be consistent with Act 93, Session Laws of Hawaii 2012, which transfers the licensing and certification functions for adult day care centers, community care foster family homes, and the community care case management agencies from the Department of Human Services to the Department of Health effective July 1, 2014;
- (2) Adding adult day care centers and community care foster family homes to the list of state-licensed care facilities for which the Department of Health performs inspections and posts its reports on its website;
- (3) Requiring the Department of Health to include on its website all evaluations, not just those in which a violation is discovered, of all inspections of care facilities; and
- (4) Limiting the posting on the website of a violation report for a care facility to three years, after which the report will be removed from the website.

As affirmed by the records of votes of the members of your Committees on Human Services and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 358, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 358, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committees on Human Services  
and Health,



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JOSH GREEN, Chair



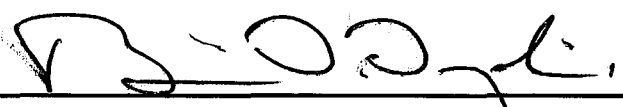
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SUZANNE CHUN OAKLAND, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:* <b>SB 358</b>	Committee Referral: <b>HMS/HTH, WAM</b>	Date: <b>1/31/13</b>		
<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
CHUN OAKLAND, Suzanne (C)	✓			
GREEN, Josh (VC)	✓			
KIDANI, Michelle N.				✓
TANIGUCHI, Brian T.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>SB 358</i>	<i>HMS/HTH, WAM</i>	<i>1/30/13</i>		
<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
GREEN, Josh (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
NISHIHARA, Clarence K.				✓
SLOM, Sam				✓
<b>TOTAL</b>	<i>3</i>	<i>-</i>	<i>-</i>	<i>2</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Rosalyn H. Baker</div>				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

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