

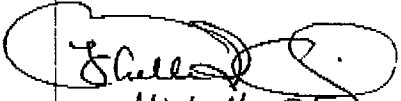
2/13/13
regarding House Bill HB120 HD1

att: Morikawa, Carroll, Futurnoto
Kobayashi + Thilen

I'm writing to let you know

I oppose the ~~passing~~ of bill

Care Facility Deficiency Airing.

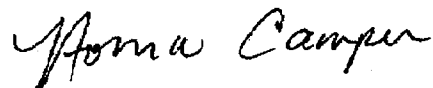

Michelle Champion

February 13, 2013

Attn: Rep. Morikawa
Rep. Carroll
Rep. Fukomoto
Rep. Kobayashi
Rep. Thielene

I Norma Camper, of Camper Foster Family Home is opposing HB 120 HDI

Respectfully yours,

A handwritten signature in cursive script that reads "Norma Camper".

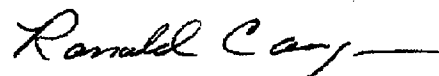
Norma Camper, LPN/PCG

February 13, 2013

Attn: Rep. Morikawa
Rep. Carroll
Rep. Fukomoto
Rep. Kobayashi
Rep. Thielene

I Ronald Camper, of Camper Foster Family Home is opposing HB 120 HDI

Respectfully yours,

A handwritten signature in black ink that reads "Ronald Camper" followed by a horizontal line.

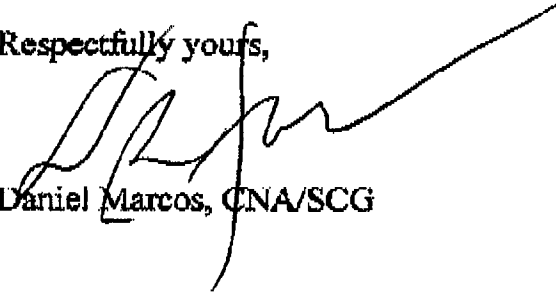
Ronald Camper, CNA/SCG

February 13, 2013

Attn: Rep. Morikawa
Rep. Carroll
Rep. Fukomoto
Rep. Kobayashi
Rep. Thielene

[Daniel Marcos, of Marcos Foster Family Home is opposing HB 120 HDI

Respectfully yours,



Daniel Marcos, CNA/SCG

To: Committee on Consumer Protection and Commerce

Date: Wednesday, 02/13/2013

Time: 2:30 PM

Place: Conference Room 325

Testifier/s: Helen Sapla (Big Island AFHA member)

Victoria Baker (Big Island AFHA member)


Subject: HB 120 Relating to Health

Aloha Chair McKelvey, Vice Chair Kawakami, and members of the Committee,

We don't need this bill. We already have enough rules and regulations that the state is imposing to us caregivers. If people are doing what they are suppose to be doing in their in their job in accordance with current rules and regulations we don't have problems. We should educate and learn from each other instead punishing each other to improve the industry. Improve the industry through education not punishment. Give yearly follow up workshops for the strength and weaknesses for caregivers. Posting deficiencies in the website does not do any good. Education (formal , informal) is the key to improve services to all people involve in caregiving.

Thank you for the opportunity to submit the testimony against the HB 120.

Sincerely,


Helen Sapla (AFHA member)


Victoria Baker (AFHA member)

137 B HOKULANI ST.

HILO, HI. 96720

February 13, 2013

Attn. Mr. Morikawa, Miss Carroll, Mr. Kobayashi

Re. HB 120

I'm opposing this bill

Respectfully submitted

Ms. Sarina Fernandez Big Island Hill



HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Angus L.K. McKelvey, Chair

February 13, 2013 at 2:30 p.m.
Conference Room 325

Commenting on HB 120 HD 1: Relating to Health

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. In addition to providing quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing over 40,000 people. Thank you for this opportunity to comment on HB 120 HD 1, which requires the posting of reports of inspections of certain types of long term care facilities and programs when those inspections identify violations.

Federal law currently requires all states to post nursing facility inspection reports on websites, as well as complaint investigation reports, the facility's plan of correction, and other information deemed to be useful in assisting the public to assess the quality of long term care options and the quality of care provided by individual facilities. The websites are required to be accessible, consumer-friendly, searchable, and comprehensive. The federal government makes funds available to the states to develop the websites.

HB 120 HD 1 goes further by including adult residential care homes, assisted living facilities, adult day health centers, and certain other types of facilities. However, the bill does not include any funding. The Healthcare Association of Hawaii supports the intent of the bill, but notes that funding must be made available to realize the desired results.

Thank you for the opportunity to comment on HB 120 HD 1.

kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 12, 2013 4:15 PM
To: CPCtestimony
Cc: marenilalduran@aol.com
Subject: Submitted testimony for HB120 on Feb 13, 2013 14:30PM

HB120

Submitted on: 2/12/2013

Testimony for CPC on Feb 13, 2013 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Marenila Duran	Individual	Oppose	No

Comments: Taking care of the elderly and disabled are the most important and crucial part in the life of a caregiver. While other occupations are able to time out and go home, my job does not, as I do not have the luxury of time because the responsibility of caring for the elderly entails 24 hours of the day. We strive to be the best that we can to make the last years of our elderly be as comfortable, safe and happy and help them to the path of their own independence. While I understand the reasoning behind posting deficiencies on the State's website is convenient and accessible to individuals as well as family members who may be looking for a place for their loved ones, it is dangerous as they may interpret the deficiencies as a bigger problem than it is. I would prefer that they contact DOH directly or have them personally contact me and I will be more than happy to show them my inspection report.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 12, 2013 10:17 PM
To: CPCtestimony
Cc: ofelsimps@yahoo.com
Subject: *Submitted testimony for HB120 on Feb 13, 2013 14:30PM*

HB120

Submitted on: 2/12/2013

Testimony for CPC on Feb 13, 2013 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ofelia Simpliciano	Individual	Oppose	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 12, 2013 10:19 PM
To: CPCtestimony
Cc: deliacabingabang@gmail.com
Subject: *Submitted testimony for HB120 on Feb 13, 2013 14:30PM*

HB120

Submitted on: 2/12/2013

Testimony for CPC on Feb 13, 2013 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Delia Cabingabang	Individual	Oppose	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 12, 2013 10:48 PM
To: CPCtestimony
Cc: fajotinacare@aol.com
Subject: Submitted testimony for HB120 on Feb 13, 2013 14:30PM

HB120

Submitted on: 2/12/2013

Testimony for CPC on Feb 13, 2013 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lilia Fajotina (ARCA President)	Individual	Oppose	Yes

Comments: STRONGLY OPPOSE HB120

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Feb. 13, 2013

Attention:

~~Moukama~~ Ms. Carol Fukumoto
Kabayashi, Thien,

HB 120 HD1

I will oppose this bill and
I am not in favor of this bill, it's
all privacy in regards to HIPAA.

Very truly yours,
Loda D. Smith

Loda D. Smith AFHA Big Island

13 Feb 2017

Attn: Mori Kawa, Carroll
Kobayashi Thielon

Re: HB 120-HD1 - Care Facility Violations.

I am sending this memorandum in opposition
of HB 120-HD1. There needs to be clarification
of ⁽¹⁾ types of violations i.e., paperwork missing vs.
Gross neglect violations. ⁽²⁾ How long will it be
posted? ⁽³⁾ Corrections to be posted?

Please give this matter more deliberative consideration.

Thank-you -

Gennieve H. Veriato RN/CCM
Dennise R. Miller RN/CCM

Feb. 13, 2013

Murokawa, Rep Carroll Fulcumoto
| Cabayashi & Thilen

HB 120 HD1

I'm opposing this Bill
it's a violation in regards
to our Hippa

Very truly yours,

~~Candida Furonda~~ AFHA Big Island

Candida Furonda
AFHA, Big Island

Feb. 13, 2013

Attention:

Morikawa Ms. Carroll Fukumoto
Kabayashi, Thelen,

HB 170 ADI

In behalf of the Big Island Adult
Foster Home Ass. I am not in favor
of this bill. And violation to
our ^{interests} regards to Hippie.

Very truly yours
Paul A. Layman

Paul A. Layman

AFHA Big Island

Attention:
Mr. Morikawa
Miss. Carrol
Mr. Kobayashi

**We the care home operator of the big island are
opposing this house bill 120.**

Respectfully Your:

Florentina Saludaes
Olivia Santos
Claire Gabriel
Emylyn Ilar
Edita Castro
Ofelia Solmerin
Miriam Guerrero

February 13, 2013

The Honorable Della Au Belatti and Mele Carroll
and members of the Committee:

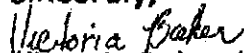
Subject: HB 120 Relating to Health

We don't need this bill. We already have enough rules and regulations that the state is imposing to us caregivers. When a caregiver has a license, that means she/he passed the requirements.

Adult Foster Home Operator is only given a certificate when all the requirements are satisfied.

Thank you for the opportunity to submit testimony against
HB 120

Sincerely,



Victoria Baker (Big Island AHFA member)

2501-A Kinoole St.

Hilo, HI 96720

February 13, 2013

Attn: Mr. Morikawa, Ms. Carol & Mr. Kobayashi

Re: HB 120

I am opposing this bill.

Respectfully submitted,

Ms.Melba Daak Big Island ARCH-President

February 13, 2013

The Honorable Della Au Belatti and Mele Carroll
and members of the Committee:

Subject: HB 120 Relating to Health

We don't need this bill. We already have enough rules and regulations that the state is imposing to us caregivers. If people are doing what they are supposed to be doing in their job in accordance with the current rules and regulations we don't have problems. We should educate and learn from each other instead of punishing each other to improve our industry. Support the industry through education not punishment. Give yearly follow up workshops to praise the strength and recommendations for weaknesses to caregivers. Posting deficiencies in the website does not do any good. Education (formal or informal) is the key to improve services to all people who are involve in caregiving.

Thank you for the opportunity to submit testimony against
HB 120

Sincerely,



Helen Sapla (Big Island AHFA member)

298 Olu St.

Hilo, HI 96720

February 13, 2013

Attn: Mr. Morikawa, Ms. Caroli & Mr. Kobayashi

Re: HB 120

I am opposing this bill.

Respectfully submitted,

Ms. Genevie Tuliao Big Island ARCH

February 13, ~~2012~~ 2013

Attention:

Murkawa, Ms. Carroll, Fukumoto,
Kobayashi, Thieden,

HB 120 HD 1

In behalf of the Big Island Adult
Foster Home Association, I am
not supporting this bill. I believe
this is a HIPAA violation.

Thank you,

Maia Corazon E. Cariaga, PCS
AFHA President, Big Island

February 13, 2013

Attention:

Newtown, Carroll, Fukuoka, Kagoshima, Niigata
I strongly disagree with this HB 120
FDI.

Thank You,
Thomas J. Scahill
Big Island

February 13, 2013

Attention:

Morikawa, Cornell, Fukumoto, Kobayashi,
Theiler,

I am not supporting this bill
HB 100 HD 1

Thank you,

Cristina Martinez, SCG
Big Island, AFHA

February 13, 2013

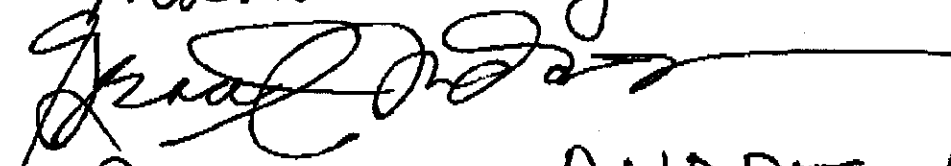
Attention:

Marikawa Ms. Carroll Futumoto,
Kabayashi, Thieden,

HB 120 HD1

In behalf of the Big Island Adult
Foster Home Association. I am
100% oppose and not supporting
this bill. Its a violation of our
HIPAA.

Mahalo very much,



Grace C. ANDRES PCG

AFHA Treasurer, Big Island Ad

Feb. 13, 2013

Attention:

Morukawa Ms. Carroll Fukumoto
Kabayashi, Thelen,

HB 170 ADI

In behalf of the Big Island Adult
Foster Home Ass. I am not in favor
of this bill. and violation to
our ^{integrity} regards to Hippa

Very truly yours
Paul A. Layasen

Paul A. Layasen

CAREGIVERS ASSOCIATION
Providing Excellence Care for our Elderly and Disabled

Testimony in Strong Opposition
CPC, Wed, February 13, 2013 at 2:30 PM , CR 325

Aloha Representative Angus McKelvey, Chair and Representative Derek Kawakami, Vice Chair and members of CPC.

I am Constante Domingo, President of The Caregivers Association, a group comprised of Care homes and Adult Foster residential homes providing quality care for many of Hawaii's fragile elderly & physically and mentally disabled.

The Care home and Adult Foster home members have operated residential care and adult foster homes that provide assisted living accommodations in a stress free, small family atmosphere for their residents including the elderly and individuals with disabilities.

Care, Adult Foster, and other community-based homes are in strong opposition to this measure and believe this industry should not be discriminated against or treated any different and should not be held to the same onerous regulations as hospitals and nursing home institutions or other industries regulated by RICO or DCCA.

The over regulation and extra ordinary amount of oversight of this industry has beaten it into the ground and has driven many legitimate operators out of business while driving up the costs of operations to the State without a corresponding increase in pay. This does a great disservice to the aged and elderly who prefer the comfortable and relaxed setting of a private home instead of being institutionalized in a huge nursing home.

This bill requires "on line posting" for care home and foster home inspection violations. The Care Home Operators are in **opposition** to this bill. We feel that we are being targeted by certain agencies to support job position retention and expansion. Let me remind the committee that the State do not have any other services to support the care of our Kupunas except care homes and foster homes especially those indigent Kupunas.

We save the State and the Federal government a lot of money. While it is true that there may be instances where there were neglect, those neglect did not come from foster homes or care homes but rather in the hands of family members acting as care givers. With the number of Kupunas in our homes, we considered as safe haven for our Kupunas.

Furthermore, there are a lot of agencies, police officers, doctors, nurses, social workers and other disciplines who are mandated to report elderly abuse and neglect. These disciplines act as a deterrent to any violations.

If the Committee is inclined to pass this bill, we offer the following amendments to the bill. It should be permission but NOT mandatory for the DOH and DHS. We ask that NOT the whole inspection report but only a note of only serious violations in patient care and not administrative violations and it should be posted only after the case has been adjudicated and a finding of negligence be found.

There are some over zealous inspector that cite for minor details. Also, we respectfully request the postings will only be for those major direct patient care related violations that pertains to abuse and neglect and not administrative defects.

Tamayo ARCH
1075 Puolo Dr. Honolulu, Hawaii 96818

Testimony for HB 120
Wednesday, February 13, 2013 at 2:30 PM
State Capitol, Conference Room 325

Rep. Morikawa

Rep. Carroll

Rep. Fukumoto

Rep. Kobayashi

Rep. Thielen

Aloha Chair and members of the committee.

My name is Cres Tamayo and I have been a care home operator in Hawaii since 1983. I am strongly opposed to the intent of this bill.

Thank you very much for the opportunity to testify.


Cres Tamayo

Date: February 13, 2013

From: Sarah Suzuki, RN, MBA

Case Management Council

Managing Partner, Blue Water Resources

To: Representative Angus L. K. McKelvey, Chair

Representative Derek S.K. Kawakami Vice Chair

Member of the Committee on Consumer Protection & Commerce

My name is Sarah Suzuki. I am the President of the Case Management Council (CMC). The CMC is comprised of locally-owned case management agencies that provide coordination of care services to approximately 1300 aged, blind, and disabled patients.

The CMC supports HB 120 with reservations.

We support the public's right to easily access the information but question what information would be provided. Copies of actual inspection reports may not be meaningful to the public as some of the citations on the reports are more administrative in nature (i.e. expired TB test). The public may not be interested in those details.

The public would be interested in quality of care measures such as falls with major injury in the home, occurrence of pressure ulcers, drastic weight loss, influenza and pneumococcal vaccination rates, and number of complaints. Unfortunately, quality measures have not been clearly defined for the Community Care Foster Family Home setting and Expanded Care Home setting. While adverse events are being filed at various settings, a "report card" has not been established to let the provider know how they are doing. Baseline data has not been obtained and benchmarks have not been determined.

The public would benefit access to information pertaining to care provided in the CCFFH and E-ARCH settings. But we need to provide them meaningful information that would help them decide which long term care setting would be best for their loved one.

Thank you for the opportunity to submit testimony in support of HB 120.

February 13, 2013

Chair, Co-Chair and Members of the CPC Committee;

My name is Myriam Tabaniag, a Registered Nurse and First Vice President of the Alliance of Residential Care Administrators (ARCA).

I oppose HB120 HD1 for the following reasons and concerns:

1. I believe that posting deficiencies on the website will not solve the "placement " problem completely. For in-fact, it may lead the consumers to more confusion and dilemma.
 - a. The top 20% "best carehomes/foster homes" in the state may be full capacity at all times or at a time when a consumer is looking for placement for a loved one, so where will this consumer go? The lesser qualified facility? Would he/she settle for that? And eventually, facilities with vacancies all the time will eventually closed their doors. (Anti-business bill.) Two years ago, we had a problem of some of our elderly being transferred to other states because we did not have enough beds. The elderly population will grow exponentially in the coming years to come. Studies conducted by the Executive Office on Aging and the four county area agencies on aging have indicated that the elderly in Hawaii have a significant need for assistance in the various areas and this need is outpacing the ability to provide assistance.
2. Reporting of deficiencies or infractions from the State are not specific and detailed. Very vague reporting that will only confuse the consumers. We do not have any idea how the deficiencies will be posted on the website, so there should be more discussions to be made between the State and the stakeholders.
3. If the Committee should pass this measure in spite of the stakeholders reasons and concerns of opposing this bill, the carehome/fosterhome operators would like an amendment added that they can live with and still have their caregiving businesses in operation.
4. Perhaps, the State could work together with the stakeholders , small groups like the Small Business Regulatory Review Board (SBRRB), policymakers, measurement experts, consumers/family members, private consumer organizations to develop a prototype Web site that would profile differences in quality of providers based on survey and complaint data. They would work together to develop a template for displaying information about facilities.

A better effort would include measures that would allow consumers to compare the types of services provided, differences in quality, and differences in the physical and social environments and the philosophy of care. Searchable databases could be designed that allow consumers to search based on specific services that are available, price, type of units, location and other factors identified by consumers.

5. Because survey findings can be technical and difficult to understand, consumer feedback would be useful to develop user friendly Web sites that display the information in a way that is meaningful and readily understood. At the same time, provider groups need to believe the measures truly represent real differences in facilities.

I am hopeful that you will all look at other alternatives closely that ideally, facilities could be compared on many aspects that are relevant to consumer choice.

Thank you for the opportunity to testify in opposition to HB120 HD1

Myriam R. Tabaniag

Lilia Fajotina

ARCA President

(Alliance of Residential Care Administrators)

P.O. Box 758

Pearl City, HI 96782

DATE: Wednesday, February 13, 2013

TIME: 2:30 p.m.

ROOM: 325 (STATE CAPITOL)

The Hon. Angus L.K. Mckelvey, Chair

Rep. Derek S.K. Kawakami, Vice Chair

And Members of the Committees:

My name is Lilia Fajotina, President of the Alliance of Residential Care Administrators (ARCA), and I am testifying in strong opposition to House Bill 120.

ARCA is a statewide non-profit organization, whose members primarily serve the long-term care needs of Hawaii's kupuna. It is the largest Adult Residential Care Home (ARCH) organization in Hawaii—representing 300 long-term care homes serving a capacity of almost 1500 residents.

We oppose HB 120 HD 1 for the following reasons:

The public already has access to the citations of care homes by simply requesting them from the desired care home. Additionally, the Primary Care Giver (PCG) can also answer any questions the family may have and at the same time explain the citation and what they've done to correct the problem.

For additional information on the care home, care home operators refer the families to the Department of Health-Office of Health Care Assurance Licensing Department, so they can ask about the care home's present status. But according to several consumers, the Department is hesitant to tell them about the issues. Is that the fault of the care homes? No.

Second, there is not enough discussion as to what would be posted online. The Department's surveyors issue citations or deficiencies that are so vague and frivolous that they can mislead consumers in their selection of a care home if these types of citations are put online. For example, a care home was cited because the primary care giver or registered dietitian forgot to write the word "lean" on the menu or before the word "luncheon meat," even though the resident was given lean meat. The home would then be cited for giving the resident extra fat, and the citation would read as such, "Menu #1 does not meet the nutritional needs of the resident." Is that an accurate description of the innocent mistake of the care giver? No.

Third, these frivolous citations have nothing to do with the quality of care, nor the health, safety, and welfare of residents. We take care of our residents as if they were our own family members.

Fourth, care homes and foster homes save the State upwards of \$200 million a year. Care homes, alone, save the State \$80-90 million a year. As more and more of our baby boomers retire, care homes will become increasingly necessary in the face of Hawaii's ever-increasing elderly population. This bill, in its current form, can put many care homes out of business.

Fifth, posting our violations on the website I believe is violating my privacy and it may be against my civil rights. Not everyone would open up his or her home to strangers and lose their privacy to save the State millions of dollars. Although we run our businesses out of our homes, it is still our homes and we want our privacy to be respected.

Lastly, should this measure pass this committee in spite my opposition, I strongly urge the committee to consider an amendment to allow for the posting of citations online that include only "gross violations, probation, or financial exploitation." Therefore, the most severe of citations are posted online and not those of frivolous nature.

Thank you for the opportunity to testify in opposition to HB120HDI.

Lilia Fajotina
(ARCA PRESIDENT)

TO: Committee on Consumer Protection & Commerce

DATE: February 13, 2013, Wednesday

TIME: 2:30 pm

PLACE: Conference Room 325

TESTIFIER: Wannette Gaylord

BILL: HB 120 HD1

POSITION: IN OPPOSITION

Aloha Chair McKelvey, Vice Chair Kawakami, and committee members,

My name is Ron Gallegos, past president of the Alliance of Residential Care Administrators (ARCA), and former long-term care commissioner. I am submitting testimony on behalf of myself.

I oppose HB 120 HD 1 for the following reasons:

The public already has access to the citations of care homes by simply requesting them from the desired care home. Additionally, the Primary Care Giver (PCG) can also answer any questions the family may have and at the same time explain the citation and what they've done to correct the problem.

For additional information on the care home, care home operators refer the families to the Department of Health-Office of Health Care Assurance Licensing Department, so they can ask about the care home's present status. But according to several consumers, the Department is hesitant to tell them about the issues. Is that the fault of the care homes? No.

Second, there is not enough discussion as to what would be posted online. The Department's surveyors issue citations or deficiencies that are so vague and frivolous that they can mislead consumers in their selection of a care home if these types of citations are put online. For example, a care home was cited because the bathroom window was dirty. It was an opaque window but because it was dirty, the care home had to waste their time responding to deficiency paperwork, which would have been time better spent providing quality care to the resident.

Third, these frivolous citations have nothing to do with the quality of care, nor the health, safety, and welfare of residents. We take care of our residents as if they were our own family members.

Fourth, care homes and foster homes save the State upwards of \$200 million a year. Care homes, alone, save the State \$80-90 million a year. As more and more of our baby boomers retire, care homes will become increasingly necessary in the face of Hawaii's ever-increasing elderly population. This bill, in its current form, can put many care homes out of business.

Lastly, should this measure pass this committee in spite my opposition, I strongly urge the committee to consider an amendment to allow for the posting of citations online that include only "gross violations, probation, or financial exploitation." Therefore, the most severe of citations are posted online and not those of frivolous nature.

Thank you for the opportunity to testify in opposition to HB 120 HD1.

Ron Gallegos

TO: Committee on Consumer Protection & Commerce

DATE: February 13, 2013, Wednesday

TIME: 2:30 pm

PLACE: Conference Room 325

TESTIFIER: Wannette Gaylord

BILL: HB 120 HD1

POSITION: IN OPPOSITION

Aloha Chair Mckelvey, Vice Chair Kawakami, and members of the committee,
My name is Wannette Gaylord and I strongly oppose HB 120 HD 1 for the following reasons:

It is not clear exactly how the reports of discovered violations during inspections would be posted on the website. The Department of Health's vague and sometimes frivolous citations may mislead the consumer and therefore divert a potential resident from a highly qualified facility/care home.

If a consumer is interested in a specific facility/home the consumer may request a copy of the most current inspection from the facility/home.

Community-based care facilities are small business' that save the State of Hawaii upwards of \$200 million a year. As the aging population increases the demand for community based care facilities/homes increases. Where will our kupuna age? This bill, how it is currently written, is detrimental to the owners, families, and employees of the facilities/care homes, as well as the kupuna who have the need for good care during their golden years.

If this measure passes this committee, in spite of my opposition, I strongly urge you to consider amending it, so that only the facilities/care homes that have "gross violations, probation, or financial exploitation" be posted on your website. This is, so only the severe citations are posted and not the ones that are frivolous.

Mahalo nui loa for allowing me to testify in opposition to HB 120 HD1.

Wannette Gaylord



THE UNITED GROUP OF HOME OPERATORS (UGHO)
30 years of Excellence Serving our Elderly and Disabled

Testimony for CPC
Wednesday, February 13, 2013 at 2:30 PM
State Capitol, Conference Room 325

COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

Aloha Representative Angus McKelvey, Chair and Representative Derek Kawakami, Vice Chair and members of CPC.

I am Juanita Ulep, a member of The United Group of Home Operators (UGHO). UGHO was a member organization of the Hawaii Coalition of Care Home Administrators (HCCHA) which represents 500 ARCH's caring for about 2,500 of Hawaii's fragile elderly & physically and mentally challenged. In addition, there are about 1,000 adult foster residential homes that care for about 10,000 of Hawaii's fragile elderly & physically and mentally challenged.

For the past 30 years, UGHO members have operated residential care homes that provide assisted living accommodations in a stress free, small family atmosphere for their residents including the elderly and individuals with disabilities who otherwise would be unable to care for themselves.

The over regulation and extra ordinary over sight of this industry has beaten in the ground and has driven many legitimate operators out of business while driving up the costs of operations to the State without a corresponding increase in pay. This does a great disservice to the aged and elderly who prefer the comfortable and relaxed setting of a private home instead of being institutionalized in a huge nursing home.

Care, Adult Foster, and other community-based homes are in strong opposition to this measure and believe this industry should not be discriminated against or treated any different and should not be held to the same onerous regulations as hospitals and nursing home institutions or other industries regulated by RICO or DCCA.

Posting reports undermines the basic premise of the Professional Licensing authority. In every other industry we can think of, the granting of the license to the operator or business is the base line indicator of the practioner of DCCA or RICO or DOH or DHS. There is no other industry that we know of that has such onerous measures that invade the privacy of both the residents and operators. If you want to choose a real estate agent, plumber, or building contractor regulated by RICO and DCCA there are not going to post in the DCCA website every single inspection report.

If you call the bar association referral hotline for an attorney referral, all licensed attorneys are treated equally without posting judicial reports with their performance evaluations in court or the number of time a attorney was sanctioned. The fact that an attorney is admitted to the bar and is licensed by the state, that is the only information

the bar association or Supreme Court will give you. If you are not qualified or violate a rule and do not correct it, you lose your license to practice law. Being licensed means you are good to go.

In the community base homes, like Care and Adult Foster Homes, the same principle applies, the bad apples are weeded out and going out of business as word of mouth spreads. Just the fact that the DOH and DHS have license you, that means you are good to go too. But the over regulations is killing the industry to the point where it's no longer feasible for the children of Operators to take over the business as they will be losing money.

Printing and posting the entire reports takes a lot of time to review and redact personal and confidential information in those reports. Mistakes or omissions will expose the state to lawsuits on invasion of privacy and false light and defamation.

In addition, consumers need quick information and do not have the time to read through a massively detailed report where 99% of the information is irrelevant and immaterial and where most complaints are unfounded hearsay with no finding of any fault on the part of the operator.

A new operator will be out of business as it struggles to learn the ropes. No profession is perfect, there will always be a learning curve for new operators to learn the ropes, premature reporters with fingers pointing unsubstantiated and non-an adjudicated finding of fault or neglect gives a presumption of Guilt without a fair opportunity to be heard or a fair hearing and a lack of due process, all contrary to our constitution and notions of fairness.

However, if the CPC committee is inclined to pass this bill, then we believe it should be amended by allowing and not requiring the DOH and DHS to give the Department some discretion on how to best use funds in the most efficient ways and in the most efficient manner. For example, spending money on training on best practices is found to be more effective in reducing violations because most are not intentional but lack of training. Please give the DOH and DHS the discretion to decide how to best utilize the funds to reduce infractions.

A notation of major patient care violations in the last three years and not the whole report which contains a lot of extraneous and irrelevant and confidential patient information. We are recommending a similar type of reporting like the other industries regulated by RICO or the DCCA.

Keep in mind these are community based homes and the residents and home operators have a right to privacy. Care homes and Foster homes should not be discriminated against and treated differently from other industries under RICO or like a hospital or major nursing institution. If you are included to pass this onerous bill, please include the amendments to make it more palatable and reasonable. The bill should be permissive but not mandatory to give the state discretion of highest and best use of dept. resources. Thank you very much, for your consideration of this matter and our proposed amendments.

2/13/13

PDF - +

Sent it to

CPC - late

testimony

ATTN: MR. MORIKAWA
MS. CAROL

MR. KOBAYASHI

RE: House Bill # 120

RESPECTFULLY SUBMITTED,

ELISA CABAL

BIG ISLAND ARCH

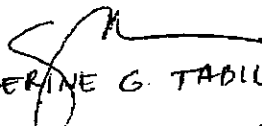
February 13, 2013

Attention: Mr. Amikawa, Mr. Carol or Kobayashi

RE: Humbill RD

I am opposing this bill.

Respectfully yours,


CATHERINE G. TABILLE
Vice President ARCH
Big Island Chapter

MANOA COTTAGE

2035 Kamehameha Ave
Honolulu, Hawaii, 96822
943 8767

To: Committee on Consumer Protection & Commerce

Date: Wednesday, 01/13/201 2:30

Place: Conference Room 325

Testifier: Sandra Shim, Owner Manoa Cottage, 24 bed ARCH, Manoa Kaimuki; 27 bed Nursing Home

Bill: HB 120HD 1

Position: In Opposition

Chair McKelvey, Vice Chair Kawakami, and members of the committee

My name is Sandra Shim and I oppose HB 120 HD 1 for the following reasons:

The public has very good access to the quality of the Care Homes in Honolulu through calls, speaking with the operator and visiting the homes.

The impression they will gain from the deficiencies on line will be very misleading. The Department of Health is not an accurate reflection of care. Just because a nurse fails to chart an increase in weight or forgot to inform the Physician that a resident refused a medication which are both deficiencies does not mean a facility is not a good place. In fact it may mean the care giver was busy giving care and that these details were overlooked.

By reputation our facility has a history of excellent care, I don't think you could determine this by reading our deficiencies on line. You will only see that so and so doesn't have an updated TB test, or that someone was wearing gloves in the hallway, it will not state that we are giving excellent care, a good activities program which includes lots of exercise and range of motion and the food is very good, and the caregiver to resident ratio is good.

Help the growing elderly issue, help the care homes and help the public. Post only the citations that are egregious and directly affect resident care. Ask the Department of Health to separate the most severe citation that affect resident care from those frivolous ones, and those reflecting typographical error.

Thank you for hearing me.

Sandra Shim
Owner
Manoa Cottage ARCH
Manoa Cottage Kaimuki, SNF/ICF



Adult Foster Homecare Association of Hawai'i
P.O. BOX 970092
WAIPAHU, HI 96797

Re: HB 120-Testimony in Opposition- Rm. 325 2:30 p.m.

Chair Angus L.K. Mckelvey, Vice Chair Derek S.K. Kawakami and Members of the Committee:

The Adult Foster Homecare Association of Hawai'i stands in opposition of HB 120 which proposes the DOH AND DHS to post on their websites reports of all inspections in which violations were discovered at certain care facilities.

Posting violations to the website is a violation of the privacy to the facility. This will create a negative picture to the facility especially if the deficiency is just a minor violation.

Deficiency/ies doesn't have full outlook of the facility operation services and the quality of care that they provide. It only features the small negative side which will also set negative impressions to potential clients.

For these reasons, the Adult Foster Homecare Association of Hawai'i which consists of about 700 members opposes HB 120.

Very Truly Yours,

Thelma Dulig Orta
Thelma Dulig Orta
President



Adult Foster Homecare Association of Hawai'i
P.O. BOX 970092
WAIPAHU, HI 96797

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Thelma Dulig Ortal
President