



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 21, 2013

MEMORANDUM

TO: The Honorable Sylvia Luke, Chair
House Committee on Finance

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 120, H.D.2 - RELATING TO HEALTH**

Hearing: Thursday, February 21, 2013; 11:00 a.m.
Conference Room 308, State Capitol

PURPOSE: The purpose of H.B.120, H.D. 2, is to allow the Department of Health and Department of Human Services to post on their respective websites information of all inspections in which major patient care violations were discovered at certain care facilities and the order specifying the violation is final. This bill also amends the requirements for a substitute caregiver working in a Community Care Foster Family Home (CCFFH) certified to care for three clients.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) would like to provide comments regarding the provisions in Section 3 that pertain to changes in substitute caregiver qualifications in CCFFHs certified for three clients. Pursuant to Act 221, SLH 2011, the DHS has continued to evaluate the effectiveness of the substitute caregiver requirements as specified in this Act. The DHS worked diligently with the community to develop a compromise in Act 221 which will sunset June 30,

2013. The DHS, however, would like to continue to engage the community in discussions regarding the provisions of Act 221.

The Department of Human Services (DHS) defers to the Department of Health (DOH) regarding Section 2 of this bill which pertains to facilities under DOH's jurisdiction.

Thank you for the opportunity to testify.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

House Committee on Finance

HB 0120, HD 2, Relating to Health

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health
February 21, 2013**

1 **Department's Position:** Appreciates the intent with request for resources.

2 **Fiscal Implications:** Requires an initial and ongoing appropriation of \$46,000 per year and the
3 approval of a 1.0 FTE to implement and sustain.

4 **Purpose and Justification:** The department appreciates the intent to make licensure inspection report
5 information more accessible to the public and requests amending the bill to include appropriations for
6 new computer equipment, web site and database development, and staff support since the requirements
7 of the bill cannot be absorbed with current resources. However, any appropriation must not adversely
8 impact priorities in the Governor's Executive Budget.

9 The department also respectfully recommends that Section 3 be stricken since Act 93, Relating
10 to Health Care, Session Laws of Hawaii 2012, will transfer programs of the Department of Human
11 Services relating to home and community-based case management, community care foster family
12 homes, and adult day care to the Department of Health on July 1, 2014. As a result, several references
13 to the Department of Human Services in Section 1 also require correction.

TO: HOUSE FINANCE COMMITTEE
Rep. Sylvia Luke, Chair

FROM: Eldon L. Wegner, Ph.D.
POLICY ADVISORY BOARD FOR ELDER AFFAIRS (PABEA)

HEARING: 11:00 am Thursday, February 21, 2013
Conference Room 308, Hawaii State Capitol

SUBJECT: HB 120 HD2 Relating to Health (Kupuna Caucus Package)

POSITION: I **support** HB 120 HD 2 which would post on the DOH and DHS websites the results of inspections of certain long-term care residential facilities and care settings. **However, I strongly support HD 1 over HD 2.**

RATIONALE:

Families typically face a difficult task to select an appropriate residential arrangement for their loved one. They often have little time for such a critical decision and have no easy means of learning about the quality of care of different options open to them. Inspections are required by the state and it is only reasonable that the results of those inspections should be available on the website of the Department of Health to consumers in making this very important decision.

This is a significant issue of consumer protection which senior advocacy groups have been promoting for a number of years. The Departments of Health and Human Services have agreed to the postings of the results of inspections with a balance for protecting providers from unfair treatment. We are very pleased that the Legislature is taking this issue up.

Unfortunately, HD 2 significantly watered down the HD 1 by inserting the words "may" and by narrowing the scope the settings which would be covered. We strongly object this watering this bill down.

We suggest that the wording of HD1 be restored to the bill.

Thank you for allowing me to testify on this bill.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
919 ALA MOANA BOULEVARD, ROOM 113
HONOLULU, HAWAII 96814
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
February 21, 2013

The Honorable Sylvia Luke, Chair
House Committee on Finance
Twenty-Seventh Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Representative Luke and Members of the Committee:

SUBJECT: HB 120 HD2 – RELATING TO HEALTH

The State Council on Developmental Disabilities **SUPPORTS THE INTENT OF HB 120 HD2**. The bill allows the Department of Health (DOH) and Department of Human Services (DHS) to post on their respective websites information of all inspections in which major patient care violations were discovered at certain care facilities and the order specifying the violation is final. The effective date is July 1, 2050.

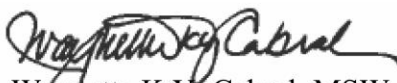
The Council is disappointed that HB 120 HD2 allows, rather than requires, DOH and DHS to post information of all inspections on their respective websites. Information posted on their websites would enable the public to easily access reports of inspections and provide valuable information about the quality of care and conditions of State-licensed facilities and violations of relevant State laws and rules. The reports would be useful to individuals, family members, case managers, and others who work with individuals who are elderly and individuals with disabilities who are considering a move into a State-licensed care facility.


We respectfully ask for your consideration of the following amendments:

1. Page 2, line 2: Delete “may” and replace with “shall.”
2. Page 3, line 12: Delete “may” and replace with “shall.”

The above amendments would require DOH and DHS to post information on their respective websites. Thank you for the opportunity to submit testimony **supporting the intent of HB 120 HD2**.

Sincerely,


Waynette K.Y. Cabral, MSW
Executive Administrator


J. Curtis Tyler III
Chair

ADULT FOSTER HOMECARE ASSOCIATION OF HAWAII

P.O. Box 970092, Waipahu, Hawai`i 96797

February 20, 2013

Thelma Ortal
President
*Adult Foster Homecare
Association of Hawaii*

RE: **HB120 HD2 – Testimony Requesting Amendments – FIN 2/20/13 – Rm. 308 11:00 a.m.**

Chair Luke, Vice Chairs Nishimoto and Johanson, and Members of the Committee:

We respectfully **request amendments to HB120** as follows:

1. Please include language for due process or some other appeal rights to which caregivers have an opportunity to be heard prior to posting.
2. Except as noted herein, please maintain the language of the bill in Section 3 regarding the definition of Community Care Foster Family Homes (CCFFHs) and substitute caregivers.

Thank you for considering these amendments.

Very truly yours,

Thelma Ortal
President

About AFHA

The Adult Foster Home Association of Hawaii (AFHA) is the industry trade association of providers under the Community Care Foster Family Home program under the Department of Human Services, State of Hawaii. With a membership of almost 750 providers, AFHA's mission is to promote the interests of providers as well as resident clients. AFHA members provide 24-hour care to resident clients 7 days a week, 365 days a year.



HOUSE COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair

February 21, 2013 at 11:00 a.m.
Conference Room 308

Commenting on HB 120 HD 2: 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 2, which requires the posting of reports of inspections of certain types of long term care facilities and programs when those inspections identify major 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.

This bill 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 2.

HB120

Submitted on: 2/20/2013

Testimony for FIN on Feb 21, 2013 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
John A. H. Tomoso	Individual	Support	No

Comments: RE: HB120 HD2 RELATING TO HEALTH. Aloha kakou, I am in support of this bill, that allows the Department of Health and the Department of Human Services to post on their respective websites information of all inspections in which major patient care violations were discovered at certain care facilities, where the order specifying the violation is final. Such information is important to the growing corps of Family Caregivers in our community, who are case managing their love one's care, and a lot of them are doing such case management without the benefit of a Social Worker or other healthcare/ aging professional as a part of the treatment and care team. Still, in our community, are Family Caregivers (and other Caregivers) "on their own". This kind of information will help a great deal in determining and embedding quality of care and of life! Mahalo John A. H. Tomoso, MSW, ACSW, LSW 51 Ku'ula Street Kahului, Maui, HI 96732-2906

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.

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FINTestimony

From: David Hubbard [david.hubbard@lifesci.ucsb.edu]
Sent: Wednesday, February 20, 2013 11:23 AM
To: FINTestimony
Subject: In Support HB 120 HD2

To: Representative Sylvia Luke, Chair, Representative Scott Y Nishimoto, Vice Chair, and Representative Aaron Ling Johanson, Vice Chair

My name is Wendy Silverthorne and I am a former Kailua resident of many years. My parents have been residents of Kailua for fifty years and live in House District 50. I am writing in **support of H.B. 120**. I regret that I am unable to be there today to testify in person.

H.B. 120 would provide a much needed shift in how information on licensed foster homes and care homes is provided to the public. This information is available to the public currently, but it takes almost three weeks to be able to access the information. H.B. 120 would provide a much needed change, as our family has learned from first hand experience, making the information available immediately. Potentially any family could find themselves in need of this information in the face of a family member having a catastrophic medical experience such as a stroke or major heart attack, a major accident or a rapid decline in an elderly family member.

In June of 2012, my mother's health started to decline rapidly. The Fire Department had to come to the house many times to either pick her up off the ground when she had fallen and/or take her to Castle Medical Center for evaluation. It was no longer safe for her to be at home.

My father was told that he should find a licensed foster home or care home for my mother. He visited half a dozen of these homes, I became increasingly concerned about some of the things that he was being told. One home offered to go to Court and have my mother declared a family member so that they could take her in as a private pay patient to get around Medicaid ratio requirements. Another home told my father, that if my mother fell out of bed during the night, they would give her a pillow and "make her as comfortable as possible on the floor until another employee came in to assist in the next morning", but they would not call the fire department to get her up off the floor.

I thought the most sensible thing to do would be to check with State Department of health to see if there were founded complaints against the homes that we were considering placing my mother in. I was shocked to find out that the procedure is to submit a request in writing and then after the request is received, the Department of Health is allowed ten days to provide the information. In most states, this information can be obtained online.

When a family has a loved one that needs to be placed, you rarely have the luxury of time to make a decision. Often, when being discharged from a hospital, you have about 24 hours to make that decision.

Please pass **H.B. 120** to protect the vulnerable elderly and disabled citizens of Hawaii. Taking care of our kapuna is a time honored tradition in the State of Hawaii. It is the right thing to do.

Sincerely,
Wendy Silverthorne
wsilverthorne@comcast.net
360-450-7445