

HB 120, HD2

Measure Title: RELATING TO HEALTH.

Report Title: Care Facility Violations; Posting on Websites; DOH; DHS

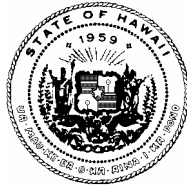
Description: Allows the Department of Health and the Department of Human Services to post on their respective websites information of all inspections in which major patient care violations were discovered at certain care facilities and the order specifying the violation is final. Effective July 1, 2050. (HB120 HD2)

Companion:

Package: Kupuna

Current Referral: HMS/HTH, WAM

Introducer(s): MORIKAWA, CARROLL, FUKUMOTO, KOBAYASHI, THIELEN



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

March 12, 2013

MEMORANDUM

TO: The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services

The Honorable Josh Green, Chair
Senate Committee on Health

FROM: Patricia McManaman, Director

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

Hearing: Tuesday, March 12, 2013; 1:15 p.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of this measure 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 or facilities soon to come under DOH's jurisdiction.

Thank you for the opportunity to testify.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WESLEY LUM, PhD, MPH
DIRECTOR

LORETTA FUDDY, ACSW, MPH
DIRECTOR OF HEALTH

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STATE OF HAWAII
EXECUTIVE OFFICE ON AGING
NO. 1 CAPITOL DISTRICT
250 SOUTH HOTEL STREET, SUITE 406
HONOLULU, HAWAII 96813-2831

Committee on Human Services

Committee on Health

HB120, HD2 RELATING TO HEALTH

Testimony of John G. McDermott, LSW, ACSW, M. Div
State Long Term Care Ombudsman

Tuesday, March 12, 2013; Conference Room 016

1:15 p.m.

1 **Position:** The Office of the Long-Term Care Ombudsman **strongly supports** this measure but
2 requests that it be **amended**.

3 **Purpose and Justification:** The purpose of this bill is to allow the Department of Health (DOH)
4 and the Department of Human Services (DHS) to make available to the public, information
5 collected from the departments' inspections of certain care facilities in which a major patient care
6 violation was discovered.

7 We believe this bill is very much needed but the House Draft 2 that you have before you is
8 very weak and **needs to be amended**. Hawaii's senior and disabled populations are rapidly
9 increasing while our nursing home bed capacity has remained approximately the same (4,345). By
10 2020 it is anticipated 25% of Hawaii's population will be 65 or older. When there are no nursing
11 home beds available, people have to consider community based options.

12 Today, finding information on a nursing home is easy. Just type www.medicare.gov and
13 click on "*Nursing Home Compare*." It will give you the annual inspections for every nursing
14 home in the country. But if someone prefers an adult residential care home or community care

1 foster family home or assisted living facility, where is that website? Nowhere. It does exist in at
2 least 27 other states, but not Hawaii. Please check out the Washington, D.C. website as an
3 example of what we could do in Hawaii: [http://doh.dc.gov/service/health-care-facility-inspection-](http://doh.dc.gov/service/health-care-facility-inspection-reports)
4 [reports](http://doh.dc.gov/service/health-care-facility-inspection-reports).

5 The current requirement is that a person must write a letter to the Office of Health Care
6 Assurance, specify the home or facility, and then wait for some state worker to manually pull the
7 file, redact the names, make a copy, charge for the copying and you will get the information you
8 need NOW in 10 to 15 days. That is too slow and unacceptable. It's also costly for the family and
9 the State if a hospital patient refuses a discharge until s/he has some information that his/her
10 proposed new home is safe and has a history of providing good care.

11 While the current policy is slow and cumbersome, the amended bill before you is actually
12 worse because it now limits the information the public is entitled to only a “*major patient care*
13 *violation*” and DOH will have to prove the violation was “**gross negligence, willful and wanton**
14 **misconduct, or intentional misconduct.**” That means EVERY violation will be appealed by the
15 Industry and their attorneys, the violations will never be “final,” and we will end up with no
16 information at all on the website. Who are we trying to fool here? It also means DOH now has to
17 write two reports – the real one which they keep at DOH and the edited, censored version they put
18 on the web. The public has the right to the FULL inspection and they are smart enough to read it,
19 analyze it, and come to their own conclusions. An “edited” version violates the whole spirit of
20 transparency.

21 We ask that the Committees **amend this bill** to:

1 1. *The Department of Health “SHALL” (not “MAY”) post on its website all evaluations,*
2 *not just those in which a violation is discovered, of all inspections of care facilities.*

3 This was your Committees’ recommendation regarding SB 358, SD1.

4 2. You also correctly stated that *DHS should be removed from this bill to be consistent*
5 *with Act 93* so we ask that be amended.

6 3. You recommended the *violations be limited to 3 years* which seems fair. A facility
7 which has consistently over 3 years done a good job should be rewarded with a clean
8 slate. They have earned this.

9 With the *Silver Tsunami* hitting Hawaii, we really need every foster home and care home
10 bed because the nursing home beds will be full. Having the FULL inspection reports on-line will
11 help the public to find a good home quickly. That’s a win for the senior, the caregiver, the
12 hospital and the State. And if the home is NOT good, then yes, it does have cause to worry. BUT
13 that caregiver now also has *an incentive to get better* so s/he can compete with the others and fill
14 their beds. In the current model there is no incentive for improvement because no one knows a
15 good home from a bad home anyway - except for those few folks who wrote letters to OHCA but,
16 even with that, they only know about the one or two homes they specified in their letters. Those
17 bad homes which have no interest in improving and are afraid of this bill will be empty and that
18 means less completion for the good homes that want to fill ALL their beds so they don’t have to
19 also take a part-time job in order to support their family. This bill, if worded correctly, is a win for
20 everyone in Hawaii.

21 Thank you for this opportunity to testify.



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
March 12, 2013

The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services

and

The Honorable Josh Green, M.D., Chair
Senate Committee on Health
Twenty-Seventh Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Senators Chun Oakland and Green, and Members of the Committees:

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.

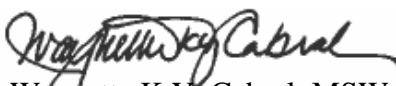
The Council is disappointed that HB 120 HD2 allows, rather than requires, DOH and DHS to post information of all inspections on their respective websites. Information posted on their websites would enable the public to easily access reports of inspections and provide valuable information about the quality 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.

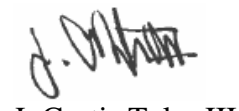
We respectfully ask for your consideration of the following **amendments**:

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

SENATE COMMITTEE ON HUMAN SERVICES
Senator Suzanne Chun Oakland, Chair

SENATE COMMITTEE ON HEALTH
Senator Josh Green, Chair

March 12, 2013 at 1:15 p.m.
Conference Room016

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, a majority of home health agencies and hospices, as well as long term care facilities and other health care organizations. Our members contribute significantly to Hawaii's economy by employing nearly 20,000 people statewide, delivering quality care to the people of Hawaii.

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 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 2 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 sufficient funding, as well as time, must be made available to realize the desired results.

Thank you for the opportunity to comment on HB 120 HD 2.

Hawai'i Alliance for Retired Americans (HARA)

An affiliate of the Alliance for Retired Americans
c/o HEA 1953 South Beretania St., Suite 5C - Honolulu, Hawaii 96826

*AFT Hawaii Retirees
HGEA Retirees
HSTA – Retired
ILWU Retirees
Kokua Council
UPW Retirees
Hawaii Family Caregivers Coalition
Kupuna Education Center*

(Submitted by email to: HMStestimony@capitol.hawaii.gov)

Testimony of Al Hamai in **support** of **Amending** HB120, HD2, Relating to Health

Senate Committees on Human Services and on Human Services

March 12, 2013, 1:15 p.m. Conference Room 016

Chair Suzanne Chun Oakland and Chair Josh Green and Members of the Committees,

HARA urges that your Committees amend HB120, HD2 by striking out the contents of the bill and inserting the contents of SB358, SD2, which was approved unanimously by the Senate on March 5. The provisions of SB358, SD2 better serve the public interest than does the HB 120, HD2. The inspection reports are available, as required by law. Please make these reports available on line so that we who need to find care facilities for our loved ones can have easy access to those reports. Over half of the states provide this important public service. The federal government also provides this info on care facilities that it provides financial support. This is the right thing to do, now, not later, for the good of our own citizens.

Long term care issues such as the availability, quality of care, cost of care and aging in place have been a major concern of our seniors and retirees, who worked hard to build our state, one we are proud of. This issue of providing easy public access to inspection reports has been talked about for several years. In 2011 the legislature considered a couple of bills. But no action was taken because there was hope that the new state administration would be able to take appropriate action administratively. But this was not to be. So now is the time for this legislature to enact this rational, public interest and service legislation. Already more than one half of our states provide websites where the public may review inspection reports of state license facilities. Hawaii, once considered the "Health State," has become a laggard on this issue.

Your amending HB150, HD2 with the contents of SB358, SD 2 will be a major step to providing our citizens—people who need long term care, their families who are concerned about the quality of care, the professionals who advise clients of long term care services and others—with easily accessible inspection reports with which they make decisions on choice of facilities.

We urge your Committees to approve these amendments to HB120, HD12. Mahalo and Aloha.



To: HUSTestimony@capitol.hawaii.gov

Re: HB 120

Chair Chun Oakland and Members of the Committee:

My name is Valorie Taylor. I am President of the Hawaii Family Caregiver Coalition (HFCC). The Coalition advocates for the needs of family caregivers in Hawaii, many of whom will, at some point, need to find a care home or other residential facility for an elderly family member. With the hundreds of care homes, adult foster homes, and other facilities in the state, it is exceedingly difficult to find an appropriate placement for a loved one under present conditions. Now, families have to rely on information from friends or neighbors, or, if fortunate will have the help of a discharge planner or case manager who may know, firsthand, about a few such facilities. However, this information may not be sufficient in a particular situation. Therefore, the coalition **supports** the intent of this bill which is to provide information about all such facilities through the Internet.

However, we believe that HB 120 has several serious flaws. First, it allows state agencies to post information about various facilities on the Internet, but does not require such posting. Second, it only allows posting of information about major patient violations, and specifies that the care violation order must be final before information can be posted. Third, it does not give a complete picture of violations that may have occurred, but only those which meet certain very strict criteria. Our concern is that families seeking information will not get a complete picture of what is going on in particular facilities, because they will not have the full inspection reports to examine. Another possible problem is that facilities may contest the decision that a violation constitutes a major patient violation, thus delaying any resolution of the possible violation, and therefore its being reported online.

The Coalition's **recommendation** is that complete inspection reports shall – not may - be posted online by the appropriate state agency. This way we believe families will have the most information about the widest range of possible alternatives for their loved ones, and therefore the ability to make the most appropriate choice.

Thank you for the opportunity to testify on this very important legislation.

Valorie Taylor, President
Hawaii Family Caregiver Coalition

ADULT FOSTER HOMECARE ASSOCIATION OF HAWAII

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

March 12, 2013

Thelma Ortal
President
*Adult Foster Homecare
Association of Hawaii*

RE: HB120 HD2 – Testimony In Opposition – HMS/HTH 3/12/13 – Rm. 016 1:15 p.m.

Chairs Chun Oakland and Green, and Members of the Committees:

We respectfully **oppose HB120**. This bill contains no safeguards against the subjectivity of inspectors. We need some assurance of objectivity before our good names are exposed to the entire world. We work really hard providing quality care, and should have some assurance that there will be objectivity in the process.

Thank you for your consideration.

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.

Rebecca D. Welch	Case Management Professionals, Inc.	Oppose	No
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March 11, 2013

HB120 HD2: Care Facility Violations; posting on Websites; DOH; DHS.

To Whom It May Concern:

I oppose this HB120 HD2 bill because it will hurt and harm the industry and it will affect the delivery of the quality of care to the elderly population we serve in the Community Care Foster Family Home.

Aloha,

Rebecca D. Welch, RN, MPH
Big Island RN Case Manager

To: Committee on Human Services, Senator Suzanne Chun Oakland,
Chair and Committee on Health, Senator Josh Green, Chair

Date: Tuesday, March 12, 2013, State Capitol Conference Room 016,
1:15 p.m.

Re: HB120, HD2 Relating to Health

Chair Chun Oakland and Chair Green:

Thank you for the opportunity to submit written in **STRONG SUPPORT** of HB 120, HD2 relating to health. My name is Barbara J. Service and I am an AARP volunteer who lives in Senate District 8 and Representative District 19.

I would, however, suggest these **amendments** to the bill. Since the applicable licensing authority will pass from the Department of Human Services to the Department of Health, reference to DHS should be omitted.

Additionally, it isn't enough that the Department of Health be "allowed" to post information about violations; the Department should be "required" to post such information.

Please ensure that families looking for homes for their vulnerable elderly or disabled loved ones, can access the information they need to make these important and difficult decisions.

Please support HB120, HD2 with amendments.

Barbara J. Service

Kahala

To: The Committee on Human Services and Committee on Health

From: Bruce Bolos

I am a lifetime resident of Hawaii and live in House District 50. I am testifying in **support** of HB 120, HD2, Relating to Aging, with a request that it be **amended**.

Over the past couple of years, I had the opportunity to observe long time family friends deal with the decline of their mother's health. The mother is currently in a Skilled Nursing Facility. Because her adult children now live on the mainland, they have found it challenging to support her husband. The whole family is devoted to the mother and wants the best care for her. I was asked to go with the father to look at a variety of care homes as a support and serve as "a second set of eyes."

Some of the homes were beautiful and the staff seemed helpful and caring. Some of the things we heard at other homes made us question their honesty and whether they would be providing good care for my friend's mother when someone wasn't there to be watching.

We talked about how to choose the best care home. We had concerns about some of the homes, and it made sense to check with the State Department of Human Services to see if there was a history of founded complaints. We learned in this process that the State Department of Human Services does not make it easy for families to obtain this information. The family would be required to make a formal written request for the information, and then the State Department of Human Services would have ten days to respond that request.

Please amend HB 120, HD 2 to provide immediate access to foster home and care home inspections.

Hawaii's elders have always been a cherished part of our community, respected and loved. They deserve the best care we can offer them. Families need the ability to quickly and easily determine if a licensed care home has a history of founded complaints. More importantly, families want to identify homes with positive records. Most other states provide this information online; Hawaii needs to follow suit.

Do the right thing: amend and pass H.B. 120, HD2, and provide the care that Hawaii's elders deserve.

Sincerely,
Bruce Bolos
khai2@yahoo.com

From: mailinglist@capitol.hawaii.gov
To: [HMS Testimony](#)
Cc: jfischer@hawaii.edu
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Sunday, March 10, 2013 3:57:28 PM

HB120

Submitted on: 3/10/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Joel Fischer	Individual	Support	No

Comments: PLEASE PASS THIS BILL WITH **CHANGES** BELOW. THIS BILL REQUIRES LEGISLATORS TO DECIDE WHOM THEY REALLY ARE REPRESENTING. IS IT THE HANDFUL OF OPERATORS WHO CONTINUOUSLY FIGHT VIRTUALLY EVERY CHANGE -LARGE OR SMALL- THAT WILL MAKE OUR CARE OF OUR KUPUNA MORE HUMANE? OR IS IT THE COMMUNITY AT LARGE AND ALL OF OUR KUPUNA WHO NEED CARE? THE ANSWER SHOULD BE OBVIOUS. OUR KUPUNA NEED OUR HELP, AND IT WOULD BE TRAGIC IF LEGISLATORS ABDICATE THEIR RESPONSIBILITY TO HELP. PLEASE MAKE THESE CHANGES: 1.Remove the applicability of this measure to the Department of Human Services since the foster homes will be moving to the Department of Health in 2014 so DHS is not in the picture. 2. Require (not "may" but "shall" language) DOH to include on its website ALL evaluations, not just those in which a violation is discovered, of all inspections of care facilities." 3. The House amendments now limit "transparency" to "major patient care violations." That's worse than the current practice! Right now it takes 10 to 15 days to get the information but at least it's the FULL report, the real, unedited, uncensored annual inspection. The House amendment will make it impossible to evaluate one home from another because in their amended bill you only get part of the picture. AND the House amendments require that DOH has to prove that the violation was "gross," willful," "wanton," and "intentional." This means EVERY violation DOH finds will be appealed by the care homes and foster homes, their attorneys and their legislative friends. A nightmare and more work for DOH. And then DOH has to write 2 reports – the real one on record at DOH and the edited version that's on the website for the public. THESE THREE CHANGES ARE PRO-KUPUNA, NOT ANTI-OPERATORS. I TRUST LEGISLATORS WILL BE ABLE TO UNDERSTAND THE DIFFERENCE. THANK YOU FOR CONSIDERING THESE IDEAS. ALOHA, JOEL

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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webmaster@capitol.hawaii.gov

TO: SENATE COMMITTEE ON HUMAN SERVICES
Senator Suzanne Chun Oakland, Chair

SENATE COMMITTEE ON HEALTH
Senator Josh Green, Chair

FROM: Eldon L. Wegner, Ph.D.

HEARING: 1:15 pm Tuesday, March 12, 2013
Conference Room 016, Hawaii State Capitol

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

POSITION: I **support** the intent of HB 120 HD 2 which **ALLOWS** DOH and DHS to post the results of inspections of certain long-term care residential facilities and care settings on their websites. **However, I prefer the wording in SB 358 SD2 which REQUIRES that results of inspections be posted online.**

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 120 HD2 watered down the bill by “allowing” but not “requiring” the posting of inspections and by narrowing the scope of what would be covered. We strongly object to these changes which could undermine the effectiveness of the bill in serving the best interest of families in finding an appropriate setting for their family members.

We **suggest** that the wording of SB 358 SD 2 be substituted in this bill.

Thank you for allowing me to testify on this bill.

From: mailinglist@capitol.hawaii.gov
To: [HMS Testimony](#)
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB120 on Mar 12, 2013 13:15PM*
Date: Thursday, March 07, 2013 11:05:56 AM

HB120

Submitted on: 3/7/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

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.

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Committee on Human Services

Committee on Health

HB120, HD2, RELATING TO AGING

Testimony of Lorene Yokoyama Becker

Tuesday, March 12, 2013; Conference Room 016

1:15 p.m.

Position: Lorene Yokoyama Becker, as a private citizen and trustee of elderly parents, **Strongly Supports** this measure but requests that it **be amended**.

Purpose and Justification: The purpose of this bill is to allow the Department of Health (DOH) and the Department of Human Services to make available to the public, information collected from the departments' inspections of certain care facilities in which a major patient care violation was discovered. Along with many other families, I believe this bill is very much needed but the amended version you have before you is very weak and **needs to be amended**.

As the trustee for my parents, I have been faced with the challenging prospect of finding a suitable care facility (expanded ARCH) for my parents in Hawaii, both of who need assistance in daily living but in very different ways. The goal that our family began with, in our search for an appropriate care facility, was to keep our parents together for as long as possible. Throughout my research into Adult Residential Care Facilities that would provide expanded care, the only way I gained any real information was by meeting face to face with each individual director/provider of the facility and asking specific questions. There was no standardized information that provided specifics on issues such as quality of care or complaints filed against the facility.

I live on the mainland and work full time but have had to take time off and come back to Hawaii to personally interview care home providers. While some of this culling of information can be done over the phone, it is only through repeated interviews and visits that one can truly assess each facility. This is a time consuming task and having more information upfront would allow the consumer to cull through the possibilities much more efficiently.

During my search, I did write to the Department of Health myself in order to ask about any filed complaints for a number of the ARCHs that I was evaluating. From the time I wrote the letter to the

time I received a one- two sentence response it was 2.5 weeks. For those ARCHs into which I inquired, there were no outstanding violations reported but my understanding of this process is that *IF* there had been a violation, *a full disclosure* would have been made available to me as the consumer.

In HB120, amended sentences 11 – 15 now state:

The purpose of this Act is to allow the department of health and the department of human services to make available to the public, information collected from the departments' inspections of certain *care facilities in which a major patient care related violation was discovered.*

In actuality, this amendment would not provide the same level of information that the current policy of written requests provides because a full report is provided upon written request. So in effect, the family will be given less information with this amended bill, as it now stands, than under the current slow, manual process. This is not an effective solution to facilitating the search for an appropriate care facility.

We ask that the Committees **amend this bill** to:

1. *The Department of Health “SHALL” (not “MAY”) post on its website all evaluations, not just those in which a violation is discovered, of all inspections of care facilities.* This was your Committees' recommendation regarding SB 358, SD1 and you were correct.
2. You also correctly stated that *DHS should be removed from this bill to be consistent with Act 93* so we ask that be amended.
3. You recommended the *violations be limited to 3 years* which seems fair. A facility which has consistently over 3 years done a good job should be rewarded with a clean slate. This is a reasonable amendment.

I strongly support this bill with the amendments as outlined above.

To say this has been an arduous learning experience in the labyrinth of the elder care services is an understatement. As a consumer I have had to do most of the investigation and visiting on the ground. The only way I have been able to assess the quality of care and responsible management of a facility

is through visitation and conversation. I have had to “read between the lines” in conversations with the elder care provider community in order to determine which facilities they themselves think are well managed. This is not an appropriate method upon which to base a decision, nor is it something that every person has the time and persistence to ferret out. Having more objective, complete information available via this evaluation reporting system will allow the consumer to decide for themselves which violations are truly of a serious nature and which are minor infractions. I have read the written testimony of those care providers who oppose this bill. While I too value and support the spirit of ohana of the care home providers and recognize the important service they provide to our community as we collectively care for our kupuna, there must be some objective means of assessment. The evaluations are done for a purpose and the results of these evaluations should be made more easily available.

The decision to place our loved ones in the care of someone else is, in and of itself, a very trying and emotional experience, but to then also have to investigate all the possibilities on your own, with minimal objective resources, makes the process that much more challenging.

Mahalo for your time in reading this testimony and for your willingness to consider these amendments to make this bill of true benefit to the people of Hawaii.

Date: March 7, 2013

To: Senate Committee on Human Services and Senate Committee on Health

Hearing: Tuesday, March 12, 2013 at 1:15pm, Conference Room 016

From: Lorri Gomes

Re: Testimony in support of HB120, HD2

Aloha Committee members,

My name is Lorri Gomes, and testifying, as a private citizen, in **strong support** of the **original** bill, prior to the amendments.

My mother is elderly and still lives independently. It would be ideal for her to age in place, but that may not always be the case. I'm a single parent and work full time to provide for my own children. So what would I do when my mother can no longer care for herself? It would be impossible for me to work full time *and* serve as her caretaker. Programs such as adult foster care and adult day care provide needed services for our Kupuna and disabled population. Care homes, in particular, are a good option for long term care, which provide a home-like atmosphere, in a small intimate setting.

However, finding the right one is challenging, to say the least. Currently, the process is slow and tedious, where you would need to wait up to 15 days to receive a report. But if the information was available on-line, family members and caretakers could search for appropriate housing in an efficient and expedient manner.

Some feel that it's a violation of privacy. However, the inspection reports are already available to the public. This bill is simply proposing that it be made available on-line, to speed up the process.

It has been suggested that only an edited version of the inspections be posted. However, that would require additional manpower, and may also mislead the public. Should I ever need to search for an appropriate facility for my mother, I would like access to the entire inspection, and decide for myself, what is trivial and what is unacceptable. In my opinion, a dozen minor violations can be as significant as a single major violation.

Again, I want to say that care homes and other facilities play an integral part in the care of our vulnerable seniors and disabled individuals. This bill will simply allow quick public access for quality care.

Thank you for allowing me to testify in support of HB 120.

To: The Committee on Human Services and Committee on Health

From: Wendy Silverthorne

My name is Wendy Silverthorne. I am testifying **in favor** of HB 120, HD2, Relating to Aging with a request that it be amended. I am a long time former resident of Kailua. My parents have lived in Kailua for fifty years.

Last fall, my mother became incapacitated to the point that it was no longer safe for her to live at home. She was experiencing falls multiple times a day. After a stay in a Skilled Nursing Facility, it was recommended that my father secure a placement in a foster home or care home for my mother.

As my father visited half a dozen of these homes, I became increasingly concerned by the things that he was being told. One home wanted to claim my mother as a "family member" to skirt Medicaid ratios. Another home said they would give my mother a pillow and make her comfortable if she had a fall during the night, but would not call for emergency help.

In an effort to make ascertain that the foster or care home we would be placing my mother in would be safe, I turned to the licensing agency to request a history of violations on the homes we were considering. I was shocked to learn that we would have to submit a request in writing and wait up to ten days after the letter was received to get the information we were seeking. In most states, this information is readily available on the internet.

Most often, when a family is faced with the decision of placing a loved one in a foster home or care home, there is a very short time line to do this. Please consider that if you are being discharged from a hospital, you could have as little as 24 hours to make such an important decision for an extremely fragile loved one. People that require these placements are vulnerable and often cannot speak for themselves. It is detrimental to their well-being to move them, often causing further medical complications and mental confusion. It is up to the family to do the research and make the right choice in placing a family member.

As a Licensed Clinical Social Worker, I believe that most foster home and care homes are run by well trained and caring people. Surely it is the exception rather than the rule when there are problems. However, when it comes to the well-being of my mother, I need information to make this incredibly important decision of where to place her.

Any resident of the State of Hawaii could find themselves in this position at any time. If their loved one were to have a sudden illness such as a stroke or a heart attack, a catastrophic accident, or succumb to long term illness or dementia. If amended to make this information available immediately, families can make informed decisions.

From: mailinglist@capitol.hawaii.gov
To: [HMS Testimony](#)
Cc: carmenbigisland@hotmail.com
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Monday, March 11, 2013 1:43:39 PM

HB120

Submitted on: 3/11/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Carmen Sanchez	Big Island Adult Foster Home Operators	Oppose	No

Comments: I totally disagree with this posting of deficiencies it's against the privacy of the operators. Thank you . Respectfully, Carmen Sanchez

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Cc: csalbano@hotmail.com
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Monday, March 11, 2013 12:23:14 AM

HB120

Submitted on: 3/11/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
CIPRIANO ALBANO	Individual	Oppose	No

Comments: I strongly oppose this bill. This bill is too much for all the health care facilities. No one is perfect. We all make mistake.

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Cc: greigdeanna@yahoo.com
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Monday, March 11, 2013 1:07:40 PM

HB120

Submitted on: 3/11/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Deanne Greig	Big Island Adult Foster Home Operators	Oppose	No

Comments: We strongly disagree with this Hb120 due to it's against the privacy of the Foster Homes & Care Homes Operators. Respectfully, Deanna Greig

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Cc: guapalady@yahoo.com
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Monday, March 11, 2013 1:27:48 PM

HB120

Submitted on: 3/11/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Edna Rice	Big Island Adult Foster Home Operators	Oppose	No

Comments: I'm in opposition to this Hb 120 . Thank You for not passing this bill.
Respectfully, Edna Rice

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Cc: ellazarestela@gmail.com
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Monday, March 11, 2013 1:23:09 PM

HB120

Submitted on: 3/11/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Estela Ellazar	Adult Residential Care Home	Oppose	No

Comments: I strongly oppose this Hb120 because it will create to much stress to the operators.Thank you for your consideration for not passing this Hb120. Respectfully, Estela Ellazar

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Cc: eveisabelo@yahoo.com
Subject: *Submitted testimony for HB120 on Mar 12, 2013 13:15PM*
Date: Monday, March 11, 2013 10:35:13 AM

HB120

Submitted on: 3/11/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
evelyn isabelo	Individual	Oppose	No

Comments:

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To: [HMS Testimony](#)
Cc: fm Cariaga@yahoo.com
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Saturday, March 09, 2013 10:47:02 PM

HB120

Submitted on: 3/9/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Frances Marie Cariaga	Big Island Adult Foster Home Operators	Oppose	No

Comments: I disagree.

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To: [HMS Testimony](#)
Cc: gracebigisland@yahoo.com
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Sunday, March 10, 2013 11:17:38 PM

HB120

Submitted on: 3/10/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Grace Andres	Big Island Adult Foster Home Operaors	Oppose	No

Comments: If deficiencies will be posted on the website then will be harm to be admitted to live in the care home . We take good care of our clients in our homes . Because it's just like one on one care . Respectfully , Grace Andres Treasurer,Big Island Adult Foster Home Operator

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From: mailinglist@capitol.hawaii.gov
To: [HMS Testimony](#)
Cc: gracejadulang@ymail.com
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Monday, March 11, 2013 12:04:24 PM

HB120

Submitted on: 3/11/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Grace Jadulang	Big Island Adult Foster Home Operators	Oppose	No

Comments: We strongly oppose this bill it will hurt the Care Home Industry. Thank you for your consideration not to pass this bill Hb120 Respectfully , Grace Jadulang

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Cc: hsapla@aol.com
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Sunday, March 10, 2013 8:38:22 PM

HB120

Submitted on: 3/10/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Helen Sapla	Individual	Oppose	No

Comments: Posting caregiver's name in the website for minor difficiencies will hurt the industry. Care Home Operators who have committed major negligence, abuses like: physical and financial and those who have already closed their homes as an operator should be the ones posted. What is appropriate is a website for all the names of all licensed caregivers with their addresses, phone numbers, vacant beds so consumers can call them for more informations.This makes more sense. Paying a visit to the area of their choice and decide which one among this homes matches their expectations. See it for yourself. Plan ahead for your love ones. Caregivers are all good. But we are not perfect at all. We are willing and able learn to improve ourselves for the betterment of the industry. I know we are an asset to the community and the state as a whole. Why cann't we not work together to help each other?

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Cc: hasembran@hotmail.com
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Monday, March 11, 2013 11:39:03 AM

HB120

Submitted on: 3/11/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Helen Sembran	Individual	Oppose	No

Comments: I'm opposing this bill because it will hurt the Care Home Industry. If in case this bill will pass , I hope only the minor deficiencies will be posted .
Respectfully, Helen Sembran

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To: [HMS Testimony](#)
Cc: Hokulani544@yahoo.com
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Sunday, March 10, 2013 11:29:35 PM

HB120

Submitted on: 3/10/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Joane E. Cariaga	Big Island Adult Foster Home Operators	Oppose	No

Comments: If deficiencies will be posted then this will cause numerous care homes to be close. And where will they place all the clients that were pulled out from the homes. I'm in opposition. Respectfully, Joane E Cariaga

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Cc: larrygg12@yahoo.com
Subject: *Submitted testimony for HB120 on Mar 12, 2013 13:15PM*
Date: Monday, March 11, 2013 10:44:47 AM

HB120

Submitted on: 3/11/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
larry quiabang	Individual	Oppose	No

Comments:

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Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Monday, March 11, 2013 12:20:37 AM

HB120

Submitted on: 3/11/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
LIBERTY ALBANO	Individual	Oppose	No

Comments: I strongly disagree with this bill. This bill is too much. Why don't just close all the facilities and let DHS employees take care of the old folks!

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Cc: delarosaffh@msn.com
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Sunday, March 10, 2013 10:36:37 PM

HB120

Submitted on: 3/10/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Luzonica de la Rosa	Individual	Oppose	No

Comments: Hb120 should not pass for Hipaa purposes and it is against the dignity of the care home .

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To: [HMS Testimony](#)
Cc: mjane.cariaga@yahoo.com
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Sunday, March 10, 2013 10:54:04 PM

HB120

Submitted on: 3/10/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Maile Jane Cariaga	Individual	Oppose	No

Comments: If deficiencies will be posted on the website it may not be good for the care home industry . I'm in opposition . Respectfully Yours, Maile Jane Cariaga

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Cc: cariagacora@yahoo.com
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Saturday, March 09, 2013 10:45:31 PM

HB120

Submitted on: 3/9/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Maria Corazon Cariaga	Big Island Adult Foster Home Operators	Oppose	No

Comments: On behalf of the Big Island Adult Foster Home Operators, we strongly oppose this House Bill 120 relating to health care because it will destroy the dignity of the care home industry. Respectfully yours, Maria Corazon Cariaga

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To: [HMS Testimony](#)
Cc: malikav66@yahoo.com
Subject: *Submitted testimony for HB120 on Mar 12, 2013 13:15PM*
Date: Monday, March 11, 2013 7:58:21 AM

HB120

Submitted on: 3/11/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Marisa Viernes	Community Care Foster Home	Oppose	No

Comments:

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Cc: nercyk@yahoo.com
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Monday, March 11, 2013 1:34:05 PM

HB120

Submitted on: 3/11/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Mercy Kramarz	Big Island Adult Foster Home Operators	Oppose	No

Comments: I do not support this Hb120 due to the privacy won't be honor at all .
Thank You . Respectfully, Mercy Kramarz

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Cc: monaunderscorebishaw@hotmail.com
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Monday, March 11, 2013 1:16:27 PM

HB120

Submitted on: 3/11/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Mona Bishaw	Individual	Oppose	No

Comments: I totally disagree to post any deficiencies of the care homes and foster homes. They need the privacy of their business. Respectfully, Mona Bishaw

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Cc: rachelcastro62@gmail.com
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Monday, March 11, 2013 12:48:42 PM

HB120

Submitted on: 3/11/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel Castro	Big Island Adult Foster Home Operators	Oppose	No

Comments: Thank you for your consideration for not passing this Hb120. Care Homes needs their privacy. Respectfully, Rachel Castro

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Cc: friedunderscorerice25@yahoo.com
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM
Date: Monday, March 11, 2013 11:50:38 AM

HB120

Submitted on: 3/11/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Rain beau Rice	Big Island Adult Foster Home Operators	Oppose	No

Comments: We disagree with this HB120 because it will affect the Care Home Industry. Care Home Operators are a big help to our State. Respectfully, Rain beau Rice

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Date: Sunday, March 10, 2013 10:40:42 PM

HB120

Submitted on: 3/10/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
rufelia s. tomas	CCFFH	Oppose	No

Comments: I oppose this bill because it will destroy the industry.

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Cc: b1lbong38@yahoo.com
Subject: *Submitted testimony for HB120 on Mar 12, 2013 13:15PM*
Date: Monday, March 11, 2013 8:08:49 AM

HB120

Submitted on: 3/11/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Viernes	Community Care Foster Home	Oppose	No

Comments:

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Date: Monday, March 11, 2013 10:55:16 AM

HB120

Submitted on: 3/11/2013

Testimony for HMS/HTH on Mar 12, 2013 13:15PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
sosima sonson	Individual	Oppose	No

Comments:

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TO: Committees on Human Services and Health

DATE: March 12, 2013, Tuesday

TIME: 1:15 pm

PLACE: Conference Room 016

TESTIFIER: Wannette Gaylord

BILL: HB 120 HD 2

POSITION: IN OPPOSITION

Aloha Chairs Suzanne Chun Oakland and Josh Green,
And Vice Chair Rosalyn Baker and members of the committees,
My name is Wannette Gaylord and I **strongly oppose** HB 120 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.

Care homes 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.

Mahalo nui loa for allowing me to testify **in opposition to HB 120 HD2.**

Wannette Gaylord

Honorable Susan Chun Oakland, Chair
Honorable Josh Green, Vice Chair
Members of the Committee

Zita Laureta Gomes
17-168 Ipu'aiwaha Street
Keaau, Hawaii 96749
Tel. # 808-982-8234

Tuesday, March 12, 2013 at 1:15 p.m.

Oppose of HB120 HD2

My name is Zita Laureta Gomes and I'm the Auditor of the Adult Foster Care Home, Big Island Chapter.

I'm testifying on HB120 HD2, relating to Health which allows the Department of Health and Department of Human Services to post on their respective websites information of all inspections in which major care violations were discovered at certain care facilities and the order specifying the violation is final.

I **strongly oppose** HB120 HD2 because it's not only hurting the industry but I believe that it's time consuming for the Departments to post all the violations, so they will ask for more positions to do the work and that will add more expense for the tax payers.

Thank you for all your concerns to our elderly. I'm so humbled to have the opportunity to care for them and given this opportunity to testify.

Fernandez Care Home
137 B Hoku Lani St
Hilo, Hi. 96720
3-11-2013

Honorable Susan Chun Oakland, Chair
Honorable Judge Josh Green, vice Chair
members of committee:

RE: HB 120, HD 2,

my name is Carlina Fernandez, care giver
from the big island for over 33 years.

I am submitting this testimony in strong
opposition of HB 120, HD 2. Posting care giver's
violation in the web site will hurt the industry.
I firmly believe that each and everyone of
us caregivers always do the best of our
ability to comply with the state's strict
rules and regulations.

I do appreciate the opportunity to provide
testimony on the bill.

Thank you very much.

Respectfully yours
Carlina Fernandez

Senator Suzanne Chun Oakland--Chair
Senator Josh Green--Co-Chair and members
Committee on Health

HB120 Relating to Health:
Care Facility Violation; Posting on Websites; DOH; DHS

March 12, 2013; Conference Rm. 016

Oppose House Bill 120

Posting caregiver's name in the website for minor deficiencies will hurt the industry. Care Home Operators who have committed major negligence, abuses like: physical and financial and those who have already closed their homes as an operator should be the ones posted. What is appropriate is a website for all the names of all licensed caregivers with their addresses, phone numbers, and vacant beds so consumers can call them for more information. This makes more sense. Paying a visit to the area of their choice and decide which one among these homes match their expectations. See it for yourself. Caregivers are all good. But we are not perfect at all. We are willing and able learn to improve ourselves for the betterment of the industry. I know we are an asset to the community and the state as a whole. Why can't we work together to help each other?

Thank you for giving me the opportunity to testify against HB120

Big Island Adult Foster Home Operator family member,

Romeo Salom Jr.

Senator Suzanne Chun Oakland---Chair
Senator Josh Green---Co-Chair and members
Committee on Health

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Big Island Adult Foster Home Operator family member,

Helen Sapla

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Big Island Adult Foster Home Operator family member,

Octavia S. Sumeka

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Senator Josh Green—Co-Chair and members
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Big Island Adult Foster Home Operator family member,

Ruperto Sumoba

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Senator Josh Green---Co-Chair and members
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Big Island Adult Foster Home Operator,
Helen Sapla

