

LATE

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.  
DIRECTOR OF HEALTH

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

In reply, please refer to:  
File:

**Senate Committee on Human Services and Committee on Health**

**HB 0120, HD 2, Relating to Health**

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

**March 12, 2013**

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

2 **Fiscal Implications:** Requires an initial and ongoing appropriation of \$74,000 per year and the  
3 approval of 2.0 FTE to implement and sustain. DOH's earlier testimony requested fewer resources but  
4 the DOH has since determined additional needs in its developmental disabilities division for the posting  
5 of inspection reports on adult foster homes for the developmentally disabled.

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

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

*Promoting Lifelong Health and Wellness*

**LATE**

**Lilia Fajotina**

**ARCA President**

(Alliance of Residential Care Administrators)

P.O. Box 758

Pearl City, Hi 96782

**DATE: Tuesday, March 12, 2013**

**TIME: 1:15pm**

**PLACE: Conference Room 016  
(State Capitol)**

**To Senator Suzanne Chun Oakland, Chair  
Senator Josh Green, Vice Chair  
Senator Rosalyn H. Baker, Vice Chair**

My name is Lilia Fajotina, President of the Alliance of Residential Care Administrators (ARCA), and I am testifying in strong opposition to HB 120,HD2.

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 HB120,HD2.

**The public already has access to the citations of care homes by simply requesting them from the desired care home.**

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.

**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 they were our own family members.

**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 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.

**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.

Thank you for the opportunity to testify in opposition to HB120,HD2.

Lilia Fajotina  
(ARCA PRESIDENT)



Committee on Human Services  
Committee on Health

HB120, HD2, RELATING TO AGING  
H.B. No. 120, H.D. 2 Relating to Health  
03-12-13, 1:15PM in conference room 016.

Dear Committee Chairs, Vice-chairs and Committee Members,

Testimony of Kahala Dotson, MS practicum student, LTCOP.

**Position:** I am testifying in strong support of HB 120.

The purpose of this bill is to provide timely transparency of inspection results where care facilities violations have been found. The intent is to provide our Kupuna and their families with an online user friendly resource that allows them to evaluate the most appropriate facilities within the time constraints and challenges of seeking a care facility.

The current amendments to this bill have made it convoluted and would make the purpose and intent of this bill difficult to decipher. **Please consider amending the following:** the original Committees' recommended language of "SHALL" (not "MAY") in SB 358 SD1, *The DOH shall post on its website all evaluations, not just those in which a violation is discovered, of all inspections of care facilities.* Secondly, **DHS should be removed from this bill** to be consistent with Act 93 so we ask that be amended as well. Keeping timely with this collaboration with DHS and DOH instituting **these amendments by 2015** instead of 2050 does not dismiss, but rather supports the good works that the various organizations, facilities, and departments do in respect to the quality of care that our Kupuna and their families so rightly deserve.

Accountability and transparency will allow the quality of care to remain a priority as part of the inspection process. .Currently all licensed care facilities in the state are inspected, however only skilled

nursing facilities are required to provide inspection results, and or complaints online through [www.medicare.gov](http://www.medicare.gov) and clicking on "Nursing Home Compare." The site provides an "Overall 5-Star rating for nursing homes based on three parts or domains: 1) Health Inspections; 2) Quality Measures (QMs); and 3) staffing." These ratings are **updated frequently** and provide a comprehensive analysis of current violations and their definitions. This allows families to make an educated decision on the available facilities listed online. Many families live out of state, on outer islands, and require timely resources to make multiple decisions on a loved one's care. Without the online resource Kupuna and their families are left burdened by the state's current antiquated and time consuming processes. Hawaii's legislators need to lead our growing Kupuna population in emphasizing quality of care data for all concerned.

Currently President Obama's Affordable Care Act (ACA) provides provisions regarding Nursing Home Transparency and Elder Justice provisions, as well as the regulation implementing the Patient Safety and Quality Improvement Act of 2005 (PSQIA). PSQIA establishes a voluntary reporting system to enhance the data available to assess and resolve patient safety and health care quality issues. Patient Safety Rule (42 C.F.R. Part 3) that provides safeguards to caregivers and individuals under HIPPA. **Care home facilitator's rights are also covered under these laws and enable privacy for the elderly and caregivers.** This information addresses caregiver concerns about their civil rights.

Hawaii must not lag behind, but be proactive in establishing online inspections of elder care best practices no later than December 2015. Care home operators, law makers, and families must work together expeditiously to provide, education, training, and transparency for the important quality of life that Kupuna are entitled to.

Thank you for the opportunity to testify.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 11, 2013 7:43 PM  
**To:** HMS Testimony  
**Cc:** pascuale006@hawaii.rr.com  
**Subject:** Submitted testimony for HB120 on Mar 12, 2013 13:15PM

**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
ESTHER PASCUAL	UGHO	Oppose	No

Comments: Aloha Committee members, We oppose bill HB120. We want to propose an amendment to the bill allowing the respective departments to only post major violations and incidences of gross negligence. Respectfully, Esther Pascual President of UGHO

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 11, 2013 7:41 PM  
**To:** HMS Testimony  
**Cc:** norma0157@yahoo.com  
**Subject:** Submitted testimony for HB120 on Mar 12, 2013 13:15PM

**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
Norma Camper	Individual	Oppose	No

Comments: My name is Norma the owner of Camper Foster Family. I strongly opposed HB120. As a business owner, it would not benefit me. It would create hardships on all care givers. It will discouraged more people to open their homes. As all caregivers goal is to protect, served , and give tender loving care to our elderly and disabled.

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**Sent:** Monday, March 11, 2013 7:14 PM  
**To:** HMS Testimony  
**Cc:** acelagarcia@gmail.com  
**Subject:** Submitted testimony for HB120 on Mar 12, 2013 13:15PM

**Categories:** Red Category

**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
ACELA E. GARCIA	Individual	Oppose	No

Comments: Aloha Members of the Committee, I oppose bill HB 120 allowing 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. Displaying violations on websites do not improve the industry. We would be better off spending the same energy in helping those with violations with more education and training. Thank you for your time and consideration. Mahalo, Acela E. Garcia

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**Sent:** Tuesday, March 12, 2013 12:22 AM  
**To:** HMS Testimony  
**Cc:** ofelsimps@yahoo.com  
**Subject:** \*Submitted testimony for HB120 on Mar 12, 2013 13:15PM\*

**HB120**

Submitted on: 3/12/2013

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

Submitted By	Organization	Testifier Position	Present at Hearing
ofelia simpliciano	Individual	Oppose	No

**Comments:**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 12, 2013 12:35 AM  
**To:** HMS Testimony  
**Cc:** isteffens@hawaii.rr.com  
**Subject:** \*Submitted testimony for HB120 on Mar 12, 2013 13:15PM\*

**HB120**

Submitted on: 3/12/2013

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

Submitted By	Organization	Testifier Position	Present at Hearing
imelda steffens	Individual	Oppose	No

**Comments:**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 12, 2013 12:32 AM  
**To:** HMS Testimony  
**Cc:** alohamila@hotmail.com  
**Subject:** \*Submitted testimony for HB120 on Mar 12, 2013 13:15PM\*

**HB120**

Submitted on: 3/12/2013

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
mila beltran	Individual	Oppose	No

**Comments:**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 12, 2013 12:31 AM  
**To:** HMS Testimony  
**Cc:** lotabumanglag@gmail.com  
**Subject:** \*Submitted testimony for HB120 on Mar 12, 2013 13:15PM\*

**HB120**

Submitted on: 3/12/2013

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
lota bumanglag	Individual	Oppose	No

**Comments:**

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**Sent:** Tuesday, March 12, 2013 12:29 AM  
**To:** HMS Testimony  
**Cc:** ycollo@yahoo.com  
**Subject:** \*Submitted testimony for HB120 on Mar 12, 2013 13:15PM\*

**HB120**

Submitted on: 3/12/2013

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

Submitted By	Organization	Testifier Position	Present at Hearing
yjolanda collo	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 12, 2013 12:27 AM  
**To:** HMS Testimony  
**Cc:** auring@gmail.com  
**Subject:** \*Submitted testimony for HB120 on Mar 12, 2013 13:15PM\*

**HB120**

Submitted on: 3/12/2013

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

Submitted By	Organization	Testifier Position	Present at Hearing
aurora alejandro	Individual	Oppose	No

**Comments:**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 12, 2013 12:24 AM  
**To:** HMS Testimony  
**Cc:** cabingabang@gmail.com  
**Subject:** \*Submitted testimony for HB120 on Mar 12, 2013 13:15PM\*

**HB120**

Submitted on: 3/12/2013

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

Submitted By	Organization	Testifier Position	Present at Hearing
delila cabingabang	Individual	Oppose	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 12, 2013 12:20 AM  
**To:** HMS Testimony  
**Cc:** rolman88@yahoo.com  
**Subject:** \*Submitted testimony for HB120 on Mar 12, 2013 13:15PM\*

**Categories:** Red Category

**HB120**

Submitted on: 3/12/2013

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

Submitted By	Organization	Testifier Position	Present at Hearing
Marina Manuel	Individual	Oppose	No

**Comments:**

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**From:** mailinglist@capitol.hawaii.gov  
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**To:** HMS Testimony  
**Cc:** thelmagaculalopez@gmail.com  
**Subject:** Submitted testimony for HB120 on Mar 12, 2013 13:15PM

**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
Thelma Lopez	Big Island Adult Foster Home Operators	Oppose	No

Comments: To Whom It May Concern: I'm very sorry we do not want this Hb120 to pass because it will affect a lot of foster & care homes' s with their privacy and dignity. Thank You. Respectfully, Thelma G. Lopez

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 11, 2013 5:05 PM  
**To:** HMS Testimony  
**Cc:** ernietadeo@yahoo.com  
**Subject:** Submitted testimony for HB120 on Mar 12, 2013 13:15PM

**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
Ernesto Tadeo	Big Island Adult Foster Home Operators	Oppose	No

Comments: We are opposing this Hb 120 because its against the privacy of the business . Thank You for your consideration. Respectfully, Ernesto Tadeo

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Sent: Monday, March 11, 2013 4:33 PM  
To: HMS Testimony  
Cc: ORIVERAunderscorefosterhome@yahoo.com  
Subject: Submitted testimony for HB120 on Mar 12, 2013 13:15PM

**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
Julita Rivera		Oppose	No

Comments: I'm opposing to this Hb 120 Thank you Respectfully, Julia Rivera

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 11, 2013 4:13 PM  
**To:** HMS Testimony  
**Cc:** rdelacruz008@hawaii.rr.com  
**Subject:** Submitted testimony for HB120 on Mar 12, 2013 13:15PM

**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
Robert dela Cruz	Big Island Adult Foster Home Operators	Oppose	No

Comments: To Whom It May Concern: I strongly oppose this Hb120 because it will affect the duties of the caregivers of three care homes. Thank you for your understanding. Respectfully Robert

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 11, 2013 3:59 PM  
**To:** HMS Testimony  
**Cc:** hazelkalia73@gmail.com  
**Subject:** Submitted testimony for HB120 on Mar 12, 2013 13:15PM

**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
Hazel Foronda	Individual	Oppose	No

Comments: I do not want this Hb120 to be passed thank you for listening to my voice. Respectfully,  
Hazel Foronda

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 11, 2013 3:46 PM  
**To:** HMS Testimony  
**Cc:** margaret.hawaii@gmail.com  
**Subject:** Submitted testimony for HB120 on Mar 12, 2013 13:15PM

**HB120**

Submitted on: 3/11/2013

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Margaret Danielewski	Big Island Adult Foster Home Opearators	Oppose	No

Comments: I'm opposing this Hb 120 because I know it's inappropriate to the part of the Care Home Operators. Think you for listening to my voice. Respectfully, Margaret Danielwski Respectfully,

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