

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

In reply, please refer to:  
File:

**House Committee on Health and the House Committee on Human Services**

**HB 0120, Relating to Health**

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

**February 1, 2013**

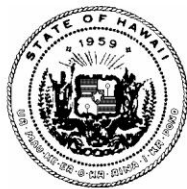
1 **Department's Position:** Support with Reservations.

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

4 **Purpose and Justification:** The department supports 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. However, any  
7 appropriation must not adversely impact priorities in the Governor's Executive Budget.

8

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



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 1, 2013

**MEMORANDUM**

TO: The Honorable Della Au Belatti, Chair  
House Committee on Health  
  
The Honorable Mele Carroll, Chair  
House Committee on Human Services

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 120 - RELATING TO HEALTH**

Hearing: Friday, February 1, 2013; 10:00 a.m.  
Conference Room 329, State Capitol

**PURPOSE:** The purpose of H.B. 120 is to require the Department of Health and Department of Human Services to post on their respective websites reports of all inspections in which a violation was discovered at certain care facilities by January 1, 2015. H.B. 120 also amends the requirements for a substitute caregiver working in a Community Care Foster Family Home certified to care for three clients.

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

The DHS opposes the provisions in Section 3 which amends HRS Chapter 346, Part XIV, by adding a new section. The proposed subsections (a) and (b) are not necessary because the licensing and certification functions for the Adult Day Care Centers and the Community Care Foster Family Homes (CCFFHs) will have already

been transferred to the DOH effective July 1, 2014, which is earlier than the proposed effective date of July 1, 2015 for the posting of inspection reports on the DHS website.

The DHS is strongly opposed to the provisions in Section 3, subsection (c), pertaining to the definition of a “community care foster family home”. The provisions in subsection (c) (1) and (2) were added to HRS sections 346-331 and 346-334 pursuant to Act 221, SLH 2011, and will be repealed effective June 30, 2013. It is DHS’ position that the provisions of HRS sections 346-331 and 346-334 be reenacted in the form in which they read prior to the passage of Act 221, SLH 2011. This means that the requirements for primary and substitute caregivers caring for three clients in CCFFHs shall be reinstated as follows:

1. All caregivers must be, at a minimum, certified nurse aides;
2. Age requirement is 18 years or older; and
3. All caregivers must complete a minimum of twelve hours of continuing education every twelve months or at least twenty-four hours of continuing education every twenty-four months.

All clients residing in a CCFFH are at the nursing facility level of care. Caring for three clients at the nursing facility level of care significantly raises the amount of supervision and care required by the caregiver. Because the substitute caregiver assumes the responsibilities of the primary caregiver whenever the primary caregiver is absent from the home, the substitute caregiver must have the same qualifications as the primary caregiver in order to adequately care for the needs of the clients. The absence of the primary caregiver may be for short periods of time, or may be for as long as ten to twelve hours per day when the primary caregiver is employed outside of the home. For the health, safety, and welfare of each client residing in the CCFFH, the substitute caregiver must be as knowledgeable and competent as the primary caregiver.

Thank you for the opportunity to testify.

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII

LORETTA FUDDY, ACSW, MPH  
DIRECTOR OF HEALTH



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

WESLEY LUM, PhD, MPH  
DIRECTOR

Telephone  
(808) 586-0100

Fax  
(808) 586-0185

**Committee on Health**

**Committee on Human Services**

**HB120, RELATING TO HEALTH**

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

**Friday, February 1, 2013; Conference Room 329**

**10:00 a.m.**

1 **Position:** The Office of the Long Term Care Ombudsman supports this measure.

2 **Purpose and Justification:** The purpose of this bill is to require the Department of Health and  
3 the Department of Human Services to post on their respective websites reports of all inspections in  
4 which a violation was discovered at certain care facilities by January 1, 2015.

5 I believe this bill is very much needed. This bill is about transparency, consumer  
6 education and consumer protection. Hawaii's senior and disabled populations are rapidly  
7 increasing while our nursing home bed capacity has remained approximately the same. When  
8 there are no nursing home beds available, people have to consider community based options - but  
9 there is currently no quick or easy way for the public to attain information on the quality of care of  
10 these facilities.

11 Today, finding information on a nursing home is easy. Just type [www.medicare.gov](http://www.medicare.gov) and  
12 click on "*Nursing Home Compare.*" It will give you the annual inspections for every nursing  
13 home in the country. But if someone prefers an adult residential care home or community care  
14 foster family home or assisted living facility, where is that website? Nowhere. It does exist in at

1 least 27 other states, but not Hawaii. Please check out the Washington, D.C. website as an  
2 example: of what we could do in Hawaii:

3 <http://doh.dc.gov/service/health-care-facility-inspection-reports>

4 Our State and Federal Governments requires inspections in order to protect the public.

5 And these inspections are done by state workers...so paid by us, the taxpayers. So if we already

6 paid for the inspections and they are done for our protection, shouldn't they also be easily

7 available so we can more quickly move our loved ones out of expensive hospitals and into a home

8 or facility where we are now more confident our loved ones will get good care??

9 The current requirement is that a person must write a letter to the Office of Health Care

10 Assurance, specify the home or facility, and then wait for some state worker to manually pull the

11 file, redact the names, make a copy, charge for the copying and you will get the information you

12 need NOW in 10 to 15 days. That is too slow and unacceptable. It's also costly for the family and

13 the State if a hospital patient refuses to move until he has some information that his proposed new

14 home is safe and has a history of providing good care. We need to move into the 21<sup>st</sup> century.

15 Hawaii can do better than that!

16 Thank you for this opportunity to testify.

Twenty-Seventh Legislature  
Regular Session of 2013

HOUSE OF REPRESENTATIVES

Committee on Health

Rep. Della Au Belatti, Chair

Rep. Dee Morikawa, Vice Chair

Committee on Human Services

Rep. Mele Carroll, Chair

Rep. Bertrand Kobayashi, Vice Chair

State Capitol, Conference Room 329  
Friday, February 1, 2013; 10:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 120  
RELATING TO HEALTH**

The ILWU Local 142 supports H.B. 120, which requires the Department of Health and the Department of Human Services to post on their respective websites reports of all inspections in which a violation was discovered at certain care facilities by January 1, 2013.

This measure will provide the public with information to help family members and others assess placement options for those needing services in adult day health centers, care homes, foster care homes, and other long-term care facilities. Before placement is considered, an understanding of the track record of the facility, including reports of violations, would be desired to help the family make an assessment.

However, posting of a violation in and of itself should not be grounds to disqualify a facility from consideration. How the violation was remedied and the operator's explanation of the circumstances of the violation are essential information in evaluating placement.

We have two suggestions to amend the bill. The first is that the report of the inspection should include how the violation was corrected and when. If the problem was remedied, the public should know about it. The second is that a timeframe should be established after which the violation would no longer be posted on the website. Leaving a black mark on a facility for something that has long been resolved would be unfair to the facility.

We hope the committee would consider these suggestions and move H.B. 120 on to the next committee. Thank you for considering our testimony and our suggestions.

**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 30, 2013 1:12 PM  
**To:** HLTtestimony  
**Cc:** adeleonmaui@yahoo.com  
**Subject:** Submitted testimony for HB120 on Feb 1, 2013 10:00AM

**HB120**

Submitted on: 1/30/2013

Testimony for HLT/HUS on Feb 1, 2013 10:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
adele rugg	Individual	Support	No

Comments: Aloha .. Please support HB 120 .. those individuals living in nursing homes need to have the security of comfort, clean and safe surroundings during their stay..their families expect nothing less .. thank you ..

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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Re: HB 120

Dear Rep Au Bellatti, Rep Carroll, and members of the House,

As a Social Worker and someone with numerous aging relatives, I agree that the availability of all pertinent information regarding placement for loved ones should be accessible to the public. When making a decision on where a loved one should reside and be cared for, all information, whether positive or negative, would be useful and important in that decision making process. Thank you for your consideration on this very important issue.

Dina Lloyd, LSW



To: Committee on Health  
And  
Human Services

Date: Friday, February 1, 2013

Time: 10:00 a.m.

Place: Conference Rm. 329

Testifier: Eudice Schick, Individual  
Long Term Care Ombudsman Volunteer

Bill: HB 120  
In Strong Support

As a long time volunteer at a skilled nursing facility I have personally witnessed the ease in which a family member can decide which facility suites their loved one. They can go on line, find any discrepancies that may have existed when the annual inspection was held, and the plan to rectify these discrepancies.

When a loved one is told by a discharge planner or the nursing facility that it is time to move their family member how are they able to find a suitable place? They usually have no more than a day or two to find this location. When you contact the state for this information they are willing to get it for you, that is if you have a couple of weeks to wait for it and also pay for it.

Why the difference? There is no reason that it should be that way. The information is available for both situations. The care homes, of all types, have inspections just as the skilled nursing facilities do. The only difference is that the federal government requires that the reports are posted for the skilled nursing facilities. There are twenty-seven states, including D.C. that posts this information. Why is Hawaii not doing the same? Does our Department of Health and Human Services not value those in our population that require a safe place to live as much as other states do? It is time that Hawaii, with a growing population of Kupuna, does something about this unnecessary situation.

Your vote in favor of on line inspections for all care facilities is a vote for our vulnerable population.

Thank you for your consideration of my testimony for HB 120.

Sincerely,

Eudice Schick

To: Representative Rida T.R. Cabanilla, Chair  
Representative Della Au Belatti, Chair

From: Bruce Bolos

My name is Bruce Bolos and I am a Kailua resident and live in House District 50. I am writing in support of H.B.120.

Over the past couple of years, I have 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 Home. Because her adult children now live on the mainland, they have found it challenging to be a support to 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 these homes said things that made us question their honesty and whether or not they would be providing good care for my friend's mother when someone wasn't there to be watching.

As we talked about how to choose the best care home and because we had some concerns about some of the homes it made sense to check with the State Department of Health to see if there was a history of founded complaints. What we learned in the process is that the State Department of Health 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 Health would have ten days to respond to the request for information.

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 to have the ability to quickly and easily determine if a licensed care home has a history of founded complaints. Most other states provide this information online.

Please pass **H.B. 120** and provide the care that Hawaii's elders deserve.

Sincerely,  
Bruce Bolos  
khai2@yahoo.com

To: Committee on Health, Representative Della Au Belatti, Chair  
Date: Wednesday, Friday, February 01, 2013, 10:00 a.m., Conference Room 329,  
State Capital,  
Re: HB 120 - Relating to Health

Chair Au Belatti and Committee Members:

Thank you for the opportunity to submit written testimony in STRONG SUPPORT of HB 120 Relating to Health. My name is Keith Ribbentrop and I am retired from the United States Air Force and disabled combat veteran of the Vietnam War, I live in Volcano Hawai'i. The passage of HB 120 is vital in providing peace of mind to 58,000 Hawai'i senior veterans aged 60 plus, and their dependents.

Veterans and the majority of Hawaii's seniors live on a fixed income which generally falls short of day-to-day necessities. If a senior becomes disabled by age a Skilled Nursing Facility is not necessarily the proper setting they need nor can they afford. Recent studies indicate that seniors receive better care, live in a longer in a higher quality of life in care homes. Marketing information about care homes is readily available however; the quality of care delivered in the homes requires some tasking research. Care homes are regulated and inspected regularly by the State. Retrieving the inspection information is a daunting task: 1. you must put the request in writing; 2. Office of Health Care Assurance (OHCA) will locate the file, redact it, mail it out, charge for the coping; and 3. expect it to take 10 to 15 days. If the veteran's next of kin lives on the Continent and here to ensure a quality placement in a care home – the time frames are unreasonable and cost prohibitive, leaving the senior in harms way. HB 120 provides a simple, cost effective solution to the problem.

I urge you to support Hawaii seniors and by voting yes on HB 120.

Keith Ribbentrop  
Volcano Hawai'i

**morikawa2 - Shaun**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, January 30, 2013 4:41 PM  
**To:** HLTtestimony  
**Cc:** manis@lava.net  
**Subject:** Submitted testimony for HB120 on Feb 1, 2013 10:00AM

**HB120**

Submitted on: 1/30/2013

Testimony for HLT/HUS on Feb 1, 2013 10:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laura Manis	Individual	Support	No

Comments: I recently sought placement for my husband in a extended care home. He was being released from the hospital after one day in the emergency room. The stress and anxiety really precluded doing any prolonged research. It would have been a great help to have a website where I could assess the quality of care at the various options.

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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