



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

In reply, please refer to:
File:

House Committee on Health
HB 2131, Relating to Care Facilities

LATE

Testimony of Gary L. Gill
Deputy Director of Environmental Health Administration

Wednesday, February 12, 2014

1 **Department's Position:** The department respectfully OPPOSES this bill.

2 **Fiscal Implications:** The department would be required to add staff in order to meet this bill's
3 requirement. The number of staff cannot be determined at this time.

4 **Purpose and Justification:** Most of the bill's proposed requirements are already contained in current
5 administrative rules. Chapter 100.1-3(e)(2) requires the department to issue a list of deficiencies, if any,
6 following an inspection, and requires the licensee to submit a written plan of correction within 10
7 working days to include timeframes for correcting the deficiencies and preventative measures so that
8 deficiencies do not reoccur. Further, Chapter 100.1-3(e)(3) allows for additional time to be given to
9 licensees in order for them to submit their plans of correction.

10 Also, a statutory requirement to establish a response time by the department is imprudent. It
11 could place an unreasonable burden on the department to artificially accept a plan without the benefit of
12 a full review. Nor should the department be required to revise the plan of correction. An acceptable
13 plan of correction is the responsibility of the licensee. The licensee must identify their plan to correct
14 deficiencies in order to comply with licensing requirements. It is not the responsibility of the

1 department to write or revise any licensee's plan of correction just as it is not be the responsibility of the
2 department to write a license application. A written plan of correction can be considered as part of an
3 application for relicensure. It details how the licensee will continue to comply with licensing
4 requirements.

5 As a result, the department respectfully opposes this bill as unnecessary and imprudent.

6 Thank you for the opportunity to testify in opposition.

Christopher Ching in favor of H.B. NO. 2131

Committee on Health

Date: 02/12/2014

Time: 8:30 AM



Dear Honorable Chair Della Au Belatti and members,

I am writing in support of H.B. NO. 2131 as an advocate for quality of service provided in adult residential care homes as well as community care foster homes.

I believe that with the passing of this bill the measures taken to assure quality of these two facilities will be greatly increased. As well as the procedures the operators will be able to take in which to respond to any negative reports by the Department of Health.

In cases where a care facility is found not to be of adequate condition to continue serving as such, with the current law in place, the operator only has 10 days after the report is made to submit a detailed plan of action to restore it to an acceptable state. Sometimes this may not be enough as some details needed to assure the restoration can be done are not made known until it is too late. Extending the deadline to 30 days will give the care home operators a much more forgiving window to find out all the details and secure a plan of action.

With this bill, the Department of Health would have their window to respond to the care homes submitted plans modified as well. In its current state, the law allows a 1 year for the Department of Health to respond to the plans. This is unfair and leaves the care home operators in a state of limbo or out of order altogether. This ends up affecting those in the care of the operators needlessly.

The amendment extending the time limit in which the care home operators have to respond to the Department of Health with a letter stating the steps they are taking to fix said deficiencies will help the operators significantly. In addition the time limit in which the Department of Health has to respond to the operators plan will help prevent prolonged bureaucracy and swifter restoration of satisfactory conditions.

Please pass the bill to forward an effort to provide better living conditions to those who wish to receive it.

Christopher Ching

HB2131

Submitted on: 2/11/2014

Testimony for HLT on Feb 12, 2014 08:30AM in Conference Room 329

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Lilia P. Fajotina	Individual	Support	Yes

Comments:

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

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HB2131

Submitted on: 2/12/2014

Testimony for HLT on Feb 12, 2014 08:30AM in Conference Room 329

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Ramon Sumibcay	Individual	Support	No

Comments: Chair Belattie and Members of the committee: I hereby support HB 2131 with the following considerations. 1. Thirty working days for the licensee to correct the deficiencies and 30 working days for the Licensing Section of the Department of Health give both sides ample time to complete the process. 2. The measure mandates that the primary and substitute caregiver in the foster care home setting be at least 21 years of age. 3. However, I believe that the substitute caregiver for the above setting could be at least a nurse aide (NA) with a year of work experience in any community care setting or medical facility.

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