

# **HB 529, HD1**

Measure Title: RELATING TO CARE HOMES.

Report Title: Care Home Operators; Liability Insurance

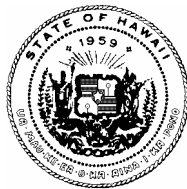
Description: Requires all operators of adult foster homes, assisted living facilities, expanded adult residential care homes, community care foster family homes, and developmental disabilities domiciliary homes to hold a sufficient amount of liability insurance.

Companion:

Package: Filipino

Current Referral: HMS, CPN

Introducer(s): MIZUNO



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

March 14, 2013

**MEMORANDUM**

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

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 529, H.D. 1 - RELATING TO CARE HOMES**

Hearing: Thursday, March 14, 2013; 1:20 p.m.  
Conference Room 016, State Capitol

**PURPOSE:** The purpose of H.B. 529, H.D. 1, is to require all operators of adult foster homes, assisted living facilities, expanded adult residential care homes, community care foster family homes, and developmental disabilities domiciliary homes to hold a sufficient amount of liability insurance.

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports the intent of Section 1 of this bill but has concerns on the language in Section 1. The DHS respectfully requests that "assisted living facilities as defined in section 346-331" and "expanded adult residential care homes as defined in section 36-331" be deleted from Section 1. These facilities are under the jurisdiction of the Department of Health (DOH) and not the DHS. The DHS currently administers only the community care foster family homes which will transfer to the DOH on July 1, 2014.

The DOH has the licensing authority over the Assisted Living Facilities (ALF), the Expanded Adult Residential Care Homes (EARCHs), and the developmental disabilities domiciliary homes. The DHS becomes involved with these facilities when a Medicaid

client is placed in the facility and payment for services is needed. In order to be paid, the facility must have a contract with a health plan. Liability insurance is a requirement for the health plan contract.

The DHS defers to the DOH regarding the provisions of Sections 2 to 4 that pertain to the facilities under DOH's jurisdiction.

Thank you for the opportunity to provide comments on this bill.



**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
919 ALA MOANA BOULEVARD, ROOM 113  
HONOLULU, HAWAII 96814  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543  
March 14, 2013

The Honorable Suzanne Chun Oakland, Chair  
Senate Committee on Human Services  
Twenty-Seventh Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

Dear Senator Chun Oakland and Members of the Committee:

SUBJECT: HB 529 HD1 – RELATING TO CARE HOMES

The State Council on Developmental Disabilities (DD) **SUPPORTS THE INTENT OF HB 529 HD1**. The bill requires all operators of adult foster homes, assisted living facilities, expanded adult residential care homes, community care foster family homes, and DD domiciliary homes to hold a sufficient amount of liability insurance.

We are aware that Act 266, Session Laws of Hawaii 2012, required liability insurance coverage for operators of adult foster homes, adult residential care homes, assisted living facilities, and expanded residential care homes. However, DD domiciliary homes were not included in Act 266/12. HD 529 HD1 includes these homes in Section 4 as requiring liability insurance.

With regards to Section 2, Page 2, line 3, "and intellectual disabilities," the Council would like to clarify that this phrase should not imply that an individual residing in an adult foster home must have both DD and intellectual disabilities. An individual can have DD but not have intellectual disabilities. To be consistent with Chapter 333F- Services for Persons with Developmental or Intellectual Disabilities, the phrase "and intellectual disabilities" should be replaced with "or intellectual disabilities" for the following:

- 1) Section 2, Page 2, line 3
- 2) Section 2, Page 2, line 7

Thank you for the opportunity to submit testimony supporting the intent of HB 529 HD1.

Sincerely,

Waynette K.Y. Cabral, MSW  
Executive Administrator

J. Curtis Tyler  
Chair

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HB529

Submitted on: 3/12/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Stacey Okano	Okano Care Home	Comments Only	No

Comments: I am strongly in favor of this bill as I find it imperative that we are covered by sufficient liability insurance to not only protect our selves but also our business. We do not want to be sued and shut down leaving our other clients out of a home. Continuity of care is very important for these people and our goal is to give them the best care we can so that they feel safe and are comfortable. We all need to be covered by sufficient liability insurance.

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HB529

Submitted on: 3/13/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Angie Dace	Individual	Support	No

Comments:

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HB529

Submitted on: 3/13/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Anne Marie Nalos	Individual	Support	No

Comments:

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HB529

Submitted on: 3/13/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Bella Tolentino	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Beth Lagmay	Individual	Support	No

Comments:

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HB529

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Submitted By	Organization	Testifier Position	Present at Hearing
Carmen Sanchez	Big Island Adult Foster Home Oper	Comments Only	No

Comments: We the Care Home Operators needs the insurance to run our business to protect us against any unexpected incident that may occur in taking care of our clients. Thank You. Carmen Sanchez

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HB529

Submitted on: 3/12/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Cresencio Sapla	Individual	Support	No

Comments: I am Cresencio Sapla, family member of Carehome operators. Patients in these homes are frail and aged with multiple disabilities. Even though how careful we are in providing services to meet their needs accidents happen. We need insurance for protection for the business and the caregivers. Thank you for giving me the opportunity to testify in support of HB529

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HB529

Submitted on: 3/13/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Deanna Greig	Individual	Support	No

Comments: I support Hb529 . Thank You

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HB529

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Submitted By	Organization	Testifier Position	Present at Hearing
Denise Tejada	Individual	Support	No

Comments:

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HB529

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Submitted By	Organization	Testifier Position	Present at Hearing
Dionicia Mangrobang	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Dolores Nalos	Individual	Support	No

Comments:

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HB529

Submitted on: 3/13/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Truhan	Individual	Comments Only	No

Comments: I am sure that the resent choking death at a care home is part of the reason this bill has surfaced again. Could you not amend the ARCH/EARCH regulations stating that the State of Hawaii is the regulating agency but the individual care at ARCH/EARCH are the sole responsibility of the Care Home Operator. This is not a big money making business and to put more expense on the care homes would be economically hard.

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HB529

Submitted on: 3/13/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Edna Rice	Individual	Support	No

Comments:

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HB529

Submitted on: 3/12/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Edna Salom	Individual	Support	No

Comments: I am Edna Salom a substitute caregiver from the Big Island. Caregiving is a risky business because we deal with the frail elderly and people with disabilities who need skilled nursing level of care. We administer medication through our RN case manager delegation. Accidents happen so we need protection like our Professional Liability Policy with malpractice. Thank you for giving me the opportunity to testify in support of HB529

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HB529

Submitted on: 3/12/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
emily topenio	Individual	Support	No

Comments:

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HB529

Submitted on: 3/13/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Ernesto Tadeo	Individual	Support	No

Comments:

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HB529

Submitted on: 3/13/2013

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

Comments: I strongly support this HB529 because this is our weapon that can help us operators whenever their is an unexpected unwanted incident that will arise in taking the frail, elderly and disabled population of Hawaii. Thank You for your consideration. Respectfully, Estela Ellazar

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HB529

Submitted on: 3/12/2013

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

Comments:

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HB529

Submitted on: 3/13/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Grace Jadulang	Individual	Support	No

Comments: I strongly support this HB529 . Thank You.

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HB529

Submitted on: 3/13/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Hazel Foronda	Big Island Adult Foster Home Operators	Support	No

Comments: We need insurance to operate our care home industry. Thank You for giving me this opportunity to testify. Respectfully, Hazel Foronda

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HB529

Submitted on: 3/12/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Helen Sapla	Big Island Foster Home Operators	Support	No

Comments: I am Helen Sapla, Big Island Adult Foster Home Operator. We strongly support HB529. Insurance protects us against future risk which is mostly accidental in nature and an unexpected incident. Caregiving is a very risky profession. The patients/clients that we are dealing with on a daily basis are the aged, frail elderly and the people with disabilities. They need skilled nursing level of care. We provide the best services that we know of but, an accident happens beyond our control. What if claims are filed against us? A claim may cost us from a minimal amount to millions of dollars depending upon the extent of the damage or injury. Who is responsible to answer? Of course us, caregivers. We are in direct contact with our patients everyday.. What if we are not able to satisfy the claim against us? What will happen to our business? Maybe there is a possibility to be closed and probably the home itself will be in foreclosure if there is not enough savings accumulated to satisfy the claim imposed against us. Thank you for giving me the opportunity to testify.

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HB529

Submitted on: 3/12/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

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

Comments: I strongly support HB529

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HB529

Submitted on: 3/13/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Hena Caom	Individual	Support	No

Comments:

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HB529

Submitted on: 3/12/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jaine B Lacuesta	Individual	Support	No

Comments:

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HB529

Submitted on: 3/12/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Joane Cariaga	Individual	Support	No

Comments: I am Joane Cariaga , I strongly support the HB529 Thank You.  
Respectfully, Joane E Cariaga

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HB529

Submitted on: 3/12/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jocelyn rosabia	Individual	Support	No

Comments:

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HB529

Submitted on: 3/13/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Julita Rivera	Big Island Adult Foster Home Operators	Support	No

Comments: Care Home Industry needs insurance. I'm supporting this HB529 . Thank You .Respectfully, Julita Rivera

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HB529

Submitted on: 3/13/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kathy De Belen	Individual	Support	No

Comments:

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HB529

Submitted on: 3/12/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing				
<table border="1"><tr><td>larry quiabang</td></tr></table>	larry quiabang	<table border="1"><tr><td>Individual</td></tr></table>	Individual	<table border="1"><tr><td>Support</td></tr></table>	Support	<table border="1"><tr><td>No</td></tr></table>	No
larry quiabang							
Individual							
Support							
No							

Comments:

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HB529

Submitted on: 3/13/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Ramiscal	Individual	Support	No

Comments:

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HB529

Submitted on: 3/13/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Lita Castillo	Individual	Support	No

Comments:

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HB529

Submitted on: 3/13/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Lorina Soriano	Individual	Support	No

Comments:

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HB529

Submitted on: 3/12/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Maile Jane E. Cariaga	Individual	Support	No

Comments: I support this HB529.I believe that to have an insurance when operating this business is very important .Thank You. Respectfully, Maile Jane E. Carlaga

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HB529

Submitted on: 3/13/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Margaret Danielewski	Individual	Support	No

Comments: I am supporting this HB 529. Insurance is a very important for the Care Home Industry . It serve as their number one weapon for any unexpected unwanted event that happen. Thank You. Respectfully, Margaret Danielswiski

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HB529

Submitted on: 3/12/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

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

Comments: On behalf of the Big Island Adult Foster Home Operators we are supporting this HB529 . Insurance is our best weapon for any unexpected unwanted event that will happen if you are taking care of the aged frail & disabled population. We need a sufficient insurance for our business. Respectfully, Maria Corazon E.Cariaga President

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HB529

Submitted on: 3/11/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Marisa	community care foster home	Support	No

Comments:

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HB529

Submitted on: 3/13/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

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

Comments: I strongly support this HB529. Thank You.

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HB529

Submitted on: 3/13/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

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

Comments: I agree that the Care Home Industry needs Insurance to run their business. Thank You. Respectfully, Mona Bishaw

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HB529

Submitted on: 3/13/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Myrna Caro	Big Island Adult Foster Home Operators	Support	No

Comments: I'm Myrna Caro an operator for Adult Foster Home we need the insurance to run our business. I'm supporting this HB 529 . Thank You for your consideration.

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HB529

Submitted on: 3/13/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Nellie Bermisa	Individual	Support	No

Comments:

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HB529

Submitted on: 3/13/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Norma Manuel	Individual	Support	No

Comments:

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HB529

Submitted on: 3/12/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Patrick Lacuesta	Individual	Support	No

Comments:

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HB529

Submitted on: 3/12/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Lacuesta	Individual	Support	No

Comments:

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HB529

Submitted on: 3/12/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Peter Cerezo	Individual	Support	No

Comments:

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HB529

Submitted on: 3/13/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel Castro	Big Island Adult fosterhomeOperarors	Support	No

Comments: I am supporting this HB529.Thank You

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HB529

Submitted on: 3/13/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Rainbeau Rice	Individual	Support	No

Comments: The Care Home Industry needs to have insurance to operate their business. Thank You. Respectfully, Raibeau Rice

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HB529

Submitted on: 3/12/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Rebecca D. Welch,RN,MPH	Individual	Support	No

Comments: I am Rebecca D. Welch I strongly support this HB529 . Community Care Foster Family Homes & Adult Residential Care Homes & Expanded Care Homes should have sufficient Professional Liability Insurance(malpractice) , as applicable , because as a Case Manager I am using my Professional License to delegate this CNA operators to assist their client's with their medications. Thank You. Respectfully, Rebecca D. Welch, RN,MPH

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HB529

Submitted on: 3/13/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Remy Dalmacio	Individual	Support	No

Comments:

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HB529

Submitted on: 3/13/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Roger Tajada	Individual	Support	No

Comments:

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HB529

Submitted on: 3/12/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Romeo Salom	Individual	Support	No

Comments: I am Romeo Salom, Adult Foster Home Operator from the Big Island. We need Professional Liability Policy with malpractice because we deal with skilled nursing level of care patients. Giving medications, transporting patients are very risky. Accident happens even how careful we are. Thank you for giving me the opportunity to testify in support of HB529

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**Date:** Tuesday, March 12, 2013 9:51:16 PM

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HB529

Submitted on: 3/12/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

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

Comments:

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HB529

Submitted on: 3/12/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Ruthie Agbayani	Individual	Support	No

Comments: For the protection of ARCH, E-ARCH, and CCFFH Providers, clients, and the general public, these facilities should think it necessary to have adequate liability insurance, which includes Malpractice protection. The rationale that these home community providers are exempt from Malpractice protection is not acceptable. Medication errors & other adverse events unexpectedly happen many times. When the other medical professionals (doctors, pharmacies, nurses, social workers, case managers, etc) are deemed not responsible for the adverse events, obviously, the caregiver(s) are responsible for any actions within their home/facility. Thank you for the opportunity to comment online. Mahalo & Aloha!

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**Date:** Monday, March 11, 2013 10:37:27 PM

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HB529

Submitted on: 3/11/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Viernes	community care foster home	Support	No

Comments:

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HB529

Submitted on: 3/12/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

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

Comments:

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HB529

Submitted on: 3/13/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Thelma Lopez	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Tony Nalos	Individual	Support	No

Comments:

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HB529

Submitted on: 3/12/2013

Testimony for HMS on Mar 14, 2013 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Victoria Baker	Individual	Support	No

Comments: I am Victoria Baker an Adult Foster Home Operartor from the Big Island. I am strongly in favor of HB529. It is a protection for the business and caregivers when things go wrong beyond our control. Providing services to the frail elderly and people with disabilities is a risky job. Therefore we need our Professional Liability insurance Policy. Thank you for giving me the opportunity to testify in favor or HB529

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Submitted By	Organization	Testifier Position	Present at Hearing
Wellie De Belen	Individual	Support	No

Comments:

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