



LATE TESTIMONY

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
January 31, 2013

The Honorable Mele Carroll, Chair
House Committee on Human Services
Twenty-Seventh Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Representative Carroll and Members of the Committee:

SUBJECT: HB 529 – RELATING TO CARE HOMES

The State Council on Developmental Disabilities (DD) **SUPPORTS THE INTENT OF HB 529**. The bill requires all operators of adult foster homes, assisted living facilities, expanded adult residential care homes, and community care foster homes to hold a sufficient amount of liability insurance; and expands the definition of adult residential care home to include any facility that provides accommodations to adults with intellectual disabilities.

We bring to your attention the proposed new statutory language on Page 5, lines 1-3 that states, "This shall include any facility providing twenty-four hour living accommodations, for a fee, to adults with developmental disabilities or intellectual disabilities." In speaking to Vice Speaker John Mizuno, introducer of the bill and his staff on January 29, 2013, he clarified that the intent of the proposed language was to include developmental disabilities domiciliary homes in the list of homes that shall obtain and maintain liability insurance. As such, the proposed language was included in the definition of adult residential care home as defined in Section 321-15.1, Hawaii Revised Statutes (HRS). We informed Vice Speaker Mizuno that there is a section in HRS that defines developmental disabilities domiciliary homes (Section 321-15.9).

Vice Speaker is aware that we would be offering friendly amendments to address the intent of including developmental disabilities domiciliary homes in the bill. The proposed amendments include the following:

1. Page 3, line 22: Delete the word "and".
2. Page 4, line 2: After "15.1" add, "and developmental disabilities domiciliary homes as defined in section 321-15.9"

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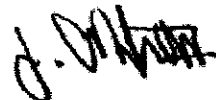
3. Page 4, line 7: Delete the word "and", and add "and developmental disabilities domiciliary homes after expanded adult residential care homes.
4. Page 4-5: Section 5: Delete this section.

Thank you for the opportunity to submit testimony **supporting the intent of SB 306 and the above amendments for your consideration.**

Sincerely,



Waynette K.Y. Cabral, MSW
Executive Administrator



J. Curtis Tyler
Chair

LATE TESTIMONY

Edward Thompson, III

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 31, 2013 7:03 AM
To: HUS testimony
Cc: emerald68reva@aol.com
Subject: Submitted testimony for HB529 on Jan 31, 2013 09:30AM

HB529

Submitted on: 1/31/2013

Testimony for HUS on Jan 31, 2013 09:30AM in Conference Room 329

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!

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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