

LATE

Maria Corazon E. Cariaga
President- Adult Foster Home Association, Big Island

Attention: Senate Ways & Means
Senator David Y. Ige Chair & Vice Chair Senator Michelle N. Kidani
Date: February 26, 2013
Time: 10:05 AM
Place: State Capital, RM 211

On behalf of the Adult Foster Home Association of the Big Island, we strongly oppose the SB 358 relating to health care. If deficiencies will be posted on the website, then this will cause numerous care homes to go out of business. Where will the clients pulled out of these care homes be placed? We are helping the state from spending more money because we are paid less compared to the big nursing home facilities. If in case this SB 358 will pass, then probably the major violations will only be posted. How many years will it be? Attached are the signatures of the people who oppose the SB 358. Thank you.

SENATE COMMITTEE ON WAYS AND MEANS
Senator David Ige, Chair

February 26, 2013 at 10:05 a.m.
Conference Room 211

Commenting on SB 358 SD 1: Relating to Health

The Healthcare Association of Hawaii advocates for its member organizations that span the entire spectrum of health care, including all acute care hospitals, as well as long term care facilities, home care agencies, and hospices. In addition to providing quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing over 40,000 people. Thank you for this opportunity to comment on SB 358 SD 1, which requires the posting of reports of inspections of certain types of long term care facilities and programs when those inspections identify major violations.

Federal law currently requires all states to post nursing facility inspection reports on websites, as well as complaint investigation reports, the facility's plan of correction, and other information deemed to be useful in assisting the public to assess the quality of long term care options and the quality of care provided by individual facilities. The websites are required to be accessible, consumer-friendly, searchable, and comprehensive. The federal government makes funds available to the states to develop the websites.

This bill goes further by including adult residential care homes, assisted living facilities, adult day health centers, and certain other types of facilities. However, the bill does not include any funding. The Healthcare Association of Hawaii supports the intent of the bill, but notes that adequate funding must be made available and sufficient time must be provided to realize the desired results.

Thank you for the opportunity to comment on SB 358 SD 1.



Twenty-Seventh Legislature
Regular Session of 2013

THE SENATE
Committee on Ways and Means
Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair
State Capitol, Conference Room 211
Tuesday, February 26, 2013; 10:05 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 358, SD1
RELATING TO HEALTH**

The ILWU Local 142 supports S.B. 358, SD1, which requires the Department of Health to post on its website reports of all inspections at state-licensed care facilities by January 1, 2015, provided that any report that includes a violation be removed from the website after three years.

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, adult day care facilities, care homes, foster care homes, and other state-licensed 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 informed assessment.

The ILWU urges passage of S.B. 358, SD1. Thank you for considering our testimony.

Lilia Fajotina

ARCA President

(Alliance of Residential Care Administrators)

P.O. Box 758

Pearl City, HI 96782

DATE: Tuesday, February 26, 2013

TIME: 10:05A.M.

ROOM: 211 (Conference Room)

**To Senator David Y. Ige, Chair
Senator Michelle N. Kidani, Vice Chair
And Committee on Ways of Means**

My name is Lilia Fajotina, President of the Alliance of Residential Care Administrators (ARCA), and I am testifying in strong opposition to Senate Bill 358.

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 SB358,SD1 for the following reasons:

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

Additionally, 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.

For additional information on the care home, care home operators refer the families to the Department of Health-Office of Health Care Assurance Licensing Department, so they can ask about the care home's present status. But according to several consumers, the Department is hesitant to tell them about the issues. Is that the fault of the care homes? No.

Second, there is not enough discussion as to what would be posted online. The Department's surveyors issue citations or deficiencies that are so vague and frivolous that they can mislead consumers in their selection of a care home if these types of citations are put online. For example, a care home was cited because the primary care giver or registered dietitian forgot to write the word "lean" on the menu or before the word "luncheon meat," even though the resident was given lean meat. The home would then be cited for giving the resident extra fat, and the citation would read as such, "Menu #1 does not meet the nutritional needs of the resident." Is that an accurate description of the innocent mistake of the care giver? No.

Third, 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 if they were our own family members.

Fourth, 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 and 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.

Fifth, 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.

Lastly, should this measure pass this committee in spite my opposition, I strongly urge the committee to consider an amendment to allow for the posting of citations online that include only “gross violations, probation, or financial exploitation.” Therefore, the most severe of citations are posted online and not those of frivolous nature.

Thank you for the opportunity to testify in opposition to SB358, SD1.

Lilia Fajotina
(ARCA PRESIDENT)



To: Senator David Y. Ige and Vice-Chair Senator Michelle N. Kidani

My name is Wendy Silverthorne and I am a former Kailua resident of many years. My parents have been residents of Kailua for fifty years and live in House District 50. I am writing in support of S.B.358. I regret that I am unable to be there today to testify in person.

S.B. 358 would provide a much needed shift in how information on licensed foster homes and care homes is provided to the public. This information is available to the public currently, but it takes almost three weeks to be able to access the information. S.B. 358 would provide a much needed change, as our family has learned from first hand experience, making the information available immediately. Potentially any family could find themselves in need of this information in the face of a family member having a catastrophic medical experience such as a stroke or major heart attack, a major accident or a rapid decline in an elderly family member making it no longer possible for them to live at home.

In June of 2012, my mother's health started to decline rapidly. The Fire Department had to come to the house many times to either pick her up off the ground when she had fallen and/or take her to Castle Medical Center for evaluation. It was no longer safe for her to be at home.

My father was told that he should find a licensed foster home or care home for my mother. He visited half a dozen of these homes, I became increasingly concerned about some of the things that he was being told. One home offered to go to Court and have my mother declared a family member so that they could take her in as a private pay patient to get around Medicaid ratio requirements. Another home told my father, that if my mother fell out of bed during the night, they would give her a pillow and "make her as comfortable as possible on the floor until another employee came in to assist in the next morning", but they would not call the fire department to get her up off the floor.

I thought the most sensible thing to do would be to check with State Department of health to see if there were founded complaints against the homes that we were considering placing my mother in. I was shocked to find out that the procedure is to submit a request in writing and then after the request is received, the Department of Health is allowed ten days to provide the information. In most states, this information can be obtained online.

When a family has a loved one that needs to be placed, you rarely have the luxury of time to make a decision. Often, when being discharged from a hospital, you have about 24 hours to make that decision.

Please pass S.B. 358 to protect the vulnerable elderly and disabled citizens of Hawaii. Taking care of our kupuna is a time honored tradition in the State of Hawaii. It is the right thing to do.

Sincerely,
Wendy Silverthorne
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