

SB 358

Measure Title: RELATING TO HEALTH.

Report Title: Kupuna Caucus; DOH; DHS; Care Facilities; Inspections

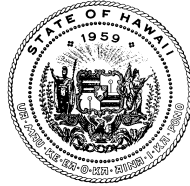
Description: Requires the department of health and the department of human services to post on their respective websites reports of all inspections in which a violation was discovered at certain care facilities by January 1, 2015.

Companion:

Package: Kupuna

Current Referral: HMS/HTH, WAM

Introducer(s): L. THIELEN, BAKER, CHUN OAKLAND, GREEN, KIDANI, TOKUDA, Nishihara, Ruderman, Slom, Taniguchi



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

In reply, please refer to:
File:

Senate Committee on Human Services and the Senate Committee on Health

SB 0358, Relating to Health

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

Director of Health

January 30, 2013

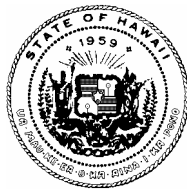
1 **Department's Position:** Support with Reservations.

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

January 30, 2013

MEMORANDUM

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

The Honorable Josh Green, M.D., Chair
Senate Committee on Health

FROM: Patricia McManaman, Director

SUBJECT: **S.B. 358 - RELATING TO HEALTH**

Hearing: Wednesday, January 30, 2013; 2:05 p.m.
Conference Room 229, State Capitol

PURPOSE: The purpose of S.B. 358 is to require 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, 2015.

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 provide testimony on this bill.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WESLEY LUM, PhD, MPH
DIRECTOR

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NO. 1 CAPITOL DISTRICT
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HONOLULU, HAWAII 96813-2831

Committee on Human Services

Committee on Health

SB358, RELATING TO AGING

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

Wednesday, January 30, 2013; Conference Room 229

2:05 p.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 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->
4 [reportshttp://hrla.doh.dc.gov/hrla/site/default.asp](http://hrla.doh.dc.gov/hrla/site/default.asp)

5 Our State and Federal Governments requires inspections in order to protect the public.
6 And these inspections are done by state workers...so paid by us, the taxpayers. So if we already
7 paid for the inspections and they are done for our protection, shouldn't they also be easily
8 available so we can more quickly move our loved ones out of expensive hospitals and into a home
9 or facility where we are now more confident our loved ones will get good care??

10 The current requirement is that a person must write a letter to the Office of Health Care
11 Assurance, specify the home or facility, and then wait for some state worker to manually pull the
12 file, redact the names, make a copy, charge for the copying and you will get the information you
13 need NOW in 10 to 15 days. That is too slow and unacceptable. It's also costly for the family and
14 the State if a hospital patient refuses to move until he has some information that his proposed new
15 home is safe and has a history of providing good care. We need to move into the 21st century.
16 Hawaii can do better than that!

17 Thank you for this opportunity to testify.

From: [Anthony Lenzer](#)
To: [HMS Testimony](#)
Subject: SB 358
Date: Sunday, January 27, 2013 3:24:19 PM

Chair Chun Oakland, Chair Green, and Committee Members:

My name is Anthony Lenzer. I am Chair the Legislative Committee of the Policy Advisory Board for Elder Affairs (PABEA), which advises the Executive Office on Aging (EOA), and advocates on behalf of Hawaii's older citizens. My testimony reflects the views of PABEA, and not necessarily those of the EOA.

SB 358 requires the Departments of Human Services and of Health to post on their websites electronic copies of inspection reports in which violations of state rules or laws are discovered in adult day health and day care centers; long term care facilities; community care foster family homes; and other facilities. The posted information must include the date of the inspection; a description of the violations; and plans for correction, and the status of any corrective actions taken by the facility.

PABEA has long seen the need for online inspection information, as it will help families and caregivers find safe and appropriate placements for family members when and if needed. At present, caregivers must rely upon word of mouth recommendations from those who have placed family members, or from professionals who may be familiar with a few facilities. The caregiver's other alternative is to request information about specific facilities from the appropriate state agency, but this is a slow and cumbersome process. There is simply no place to go to find this type of information about a wide range of facilities, quickly, easily, and inexpensively.

PABEA therefore strongly supports SB 358, and recommends its passage. Thank you for the opportunity to share PABEA's views on this important legislation.

**Senate Joint Committees on Health & Human Services
S.B. 358 Relating to Health**

**Testimony of Yvonne Yim MSW LCSW DCSW
Geriatric Social Worker**

**January 30, 2013
2:05 pm Conference Room 229**

I am testifying **IN FAVOR** of S.B. 358

The purpose of this bill is to require 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, 2015.

Our Kupuna are our treasures, they have served our nations in war, worked faithfully in our schools and are tax paying citizens in our state. Many have raised children who are now hard working contributors in Hawaii. Many of you have aging parents who one day will need long term care.

I have been a social worker for over twenty years. I currently am in private practice working along side case management companies, and providing psychosocial counseling for the elderly living in foster homes. I have worked in long term care facilities for many years and I see the difference between long term care facilities and foster homes.

Because Medicare currently publically posts LTC citations there has been an enormous change in responsive of LTC administrators. They are no longer able to hide in the closets, but instead implement proactive changes. These changes vary from infrastructure to whom they hire.

Implementing the same changes in DHS will only bring about good practice. This bill will set the bar for all caregivers to provide the quality of care that the LTC facilities are now expected to provide. Let's be proactive in this cause – our Kupuna gave to us – now it is time to give back to them.

Thank you for this opportunity to testify.

To: Senator Susan Chun Oakland, Chair
Senator Josh Green, M.D., Vice Chair
Committee on Human Services

Senator John Green, M.D., Chair
Senator Rosalyn H. Baker, Vice Chair
Committee on Health

From: Wendy Silverthorne

Dear Senators Chun, Green, and Baker,

My name is Wendy Silverthorne and I am a former resident of many years of Kailua. My parents have been residents of Kailua for fifty years and live in Senate District 25. I am writing in support of **S.B. 358**.

My family moved to Kailua in 1964. My parents have been active and involved members of the community for 50 years.

Two years ago, my mother was hospitalized at Castle Medical Center in Kailua. I flew out to be a support to my parents. My mother was so ill, that after a week we were told that she needed to stay in a Skilled Nursing Facility. I was sent out the door of the hospital at 4:00 in the afternoon to find a place for my mother to stay as she was being discharged the next morning. Fortunately, I was there in Kailua and could visit two Skilled Nursing Facilities and make an educated decision about what would be the best placement for her.

In June of 2012, my mother's health started to decline rapidly. She lost 50 pounds over the next few months. My mother's legs became weak and 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. Again, my mother had to enter a Skilled Nursing Facility. It was no longer safe for her to be at home.

As time progressed, my father was told that he should find a licensed foster home or care home for my mother. As both my brother and I now reside on the mainland, a friend volunteered to go with my father to look at some of these homes. Of course, we want the very best care for my mother.

As my father visited half a dozen of these homes, trying to determine where the best place for my mother would be, 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, since they needed to have a Medicaid patient fill a bed before they could take a private pay patient. The owner was clearly willing to go to Court and lie to "help" my father.

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.

As a Licensed Clinical Social Worker, I became increasingly alarmed by what I was hearing from my father regarding these licensed care homes. 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. Most states post this information online to assist families in this situation.

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.

I called the Office of Elderly Affairs hoping that they could assist me in checking on the complaint history of the homes we were considering placing my mother. While the gentleman I spoke to was helpful in recommending a great place on the Windward side of the island, he could offer me no assistance in determining whether-or-not these licensed homes had validated complaints against them. He indicated that he hears frequently from adult children now living on the mainland, thousands of miles away, trying to make careful decisions about placing their vulnerable elderly parents in licensed homes.

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.

My mother’s care needs are so great at this time, it is imperative that we determine that the licensed home is a safe and caring environment. The onus was on our family to choose a home carefully. Moving a medically fragile patient with dementia is likely to cause further declines. We needed facts on the quality of the homes to inform our decision.

S.B. 358 would require the Department of Health to provide information to the public regarding founded violations of licensed homes. This information is critical to families attempting to make well informed decisions for their vulnerable family members. Making this information available to families is the right thing to do.

Please pass **S.B. 358** to protect the vulnerable elderly and disabled citizens of Hawaii. It is the right thing to do.

Sincerely,
Wendy Silverthorne
wsilverthorne@comcast.net
360-450-7445

To: Committee on Human Services, Senator Susanne Chun Oakland, Chair
Date: Wednesday, January 30, 2013, 2:405 p.m., Conference Room 229, State Capital,
Re: SB 358 - Relating to Health

Chair Oakland and Committee Members:

Thank you for the opportunity to submit written testimony in **STRONG SUPPORT** of SB 358 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 SB 358 is vital in providing peace of mind to 58,000 Hawai'i senior veterans aged 60 plus, and their dependents.

Veterans and most seniors often 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 copying; 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. SB 358 provides a simple, cost effective solution to the problem.

I urge you to support Hawaii seniors and by voting yes on SB 358.

Keith Ribbentrop
Volcano Hawai'i

Heather Chun, MSW
420 Poipu Drive
Honolulu, Hawaii 96825
Phone: (808) 286-2982
Heathmc1400@yahoo.com

To: Committee on Human Services and their Committee Chair, Senator Suzanne Chun Oakland
Committee on Health and their Committee Chair, Senator Josh Green

Date: Wednesday, January 30, 2013, State Capitol Conference Room 229, 2:05pm

Re: SB358 Relating to Health

Chair Chun Oakland, Chair Green, and Committee Members:

Thank you for the opportunity to submit testimony in **strong support of SB 358** Relating to Health. My name is Heather Chun, and I'm a social worker currently working at the Executive Office on Aging as the Lifespan Respite Care Project Coordinator; this testimony reflects my personal opinion and not that of the Executive Office on Aging.

As Hawaii's population continues to age at a rate much faster than the national average, it is pertinent that our state begin to take a closer look into our current long-term care policies as a progressive approach to the ensuing demographic shift of our state. Placing a loved one in a long-term care facility is often one of the most difficult and emotional transitions for a family. Many families are particularly concerned with the quality of care provided by the facility when considering placement options for their loved one. I strongly believe it is the responsibility of our state to ensure the transparency of long-term care facilities by posting the facility's inspections online, making it easier for families to obtain this crucial information, and to demonstrate the state's commitment to protecting consumers in long-term care facilities.

I urge you to pass SB358 Relating to Health and thank you, again, for the opportunity to testify.

Sincerely,

Heather Chun

From: mailinglist@capitol.hawaii.gov
To: [HMS Testimony](#)
Cc: faulknerf01@hawaii.rr.com
Subject: Submitted testimony for SB358 on Jan 30, 2013 14:05PM
Date: Tuesday, January 29, 2013 11:44:46 AM

SB358

Submitted on: 1/29/2013

Testimony for HMS/HTH on Jan 30, 2013 14:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Fely Libre Faulkner	Individual	Support	No

Comments: I am testifying IN FAVOR of SB358 to post on government websites reports of ALL inspections in which violations are discovered at an adult residential care home or community care foster family home or assisted living facility. Inspections are funded by tax payers and they have a right to violation findings that are easily accessible. Almost half of the States in our country have this information available, with no accessibility problems, such as we have in Hawaii. It is imperative that our politicians move to take action to enable their constituents to have the information available at their fingertips when they need to make a decision on where to place their family members based on information on the Department of Health and Department of Human Services' websites. Thank you for your positive consideration of this testimony and for the opportunity to testify.

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**Senate Joint Committees on Health & Human Services
S.B. 358 Relating to Health**

Testimony of Colette Browne, Dr.PH, MSW

**January 30, 2013
2:05 pm Conference Room 229**

I am testifying strongly **IN FAVOR** of S.B. 358

My name is Colette Browne, and I chair the Gerontology Program at the Myron B. Thomson School of Social Work, University of Hawai'i at Manoa. I provide this testimony as a private citizen.

Although the majority of older adults hope to age in place, this is not possible for all when frailty occurs. Care Homes can provide a valuable community service in meeting the need for protective care.

The purpose of this bill is to require 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, 2015.

I believe that our community will benefit from this bill. It speaks to providing elders, their families and our community with the information they need to make the best decisions on behalf of one who needs care. As is often stated, and which I also believe is true, this bill is about transparency, consumer education and consumer protection. At this point, there is no easy or readily accessible way for our community to attain information on the quality of care of these facilities.

My understanding is that currently a person must write a letter to the Office of Health Care Assurance, specify the home or facility, and then wait for some state worker to manually pull the file, redact the names, make a copy, charge for the copying and you will get the information you need NOW in 10 to 15 days. This is neither transparent nor consumer-focused.

Thank you for this opportunity to testify. I can be reached at brownec001@hawaii.rr.com should you require any additional information.

From: mailinglist@capitol.hawaii.gov
To: [HMS Testimony](#)
Cc: khai2@yahoo.com
Subject: Submitted testimony for SB358 on Jan 30, 2013 14:05PM
Date: Sunday, January 27, 2013 8:07:55 PM
Attachments: [Testamony.xml](#)

SB358

Submitted on: 1/27/2013

Testimony for HMS/HTH on Jan 30, 2013 14:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Bruce B. Bolos	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [HMS Testimony](#)
Cc: barbarajservice@gmail.com
Subject: Submitted testimony for SB358 on Jan 30, 2013 14:05PM
Date: Tuesday, January 29, 2013 12:21:27 PM

SB358

Submitted on: 1/29/2013

Testimony for HMS/HTH on Jan 30, 2013 14:05PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara J. Service	Individual	Support	No

Comments: Please ensure that Hawaii's frail elderly and disabled are protected from abuse and mistreatment by assuring that violations discovered in care homes are made public via the internet. Mahalo! Barbara J. Service SB8, RD19

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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