

STAND. COM. REP. NO.

1263

Honolulu, Hawaii

APR 03 2013

RE: H.B. No. 529
H.D. 1
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 529, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CARE HOMES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require all operators of adult foster homes, assisted living facilities, adult residential care homes, expanded adult residential care homes, community care foster family homes, and developmental disabilities domiciliary homes to hold a sufficient amount of liability insurance and automobile liability insurance; and
- (2) Increase the number of adults with developmental or intellectual disabilities who can be served in an adult foster home.

Your Committee received testimony in support of this measure from the Department of Human Services, Adult Foster Homes of the Pacific, Big Island Adult Foster Home Operators, Alliance of Residential Care Administrators, Adult Foster Homecare Association of Hawaii, and numerous individuals. Your Committee received comments on this measure from the Department of Health, State Council on Developmental Disabilities, and Disability and Communication Access Board.

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Your Committee finds that requiring operators of care homes to obtain and maintain liability insurance and automobile liability insurance protects the operators and the residents of these homes and facilities. Such coverage is prudent, given the ever-increasing number of people who reside in these homes and facilities.

Your Committee further finds that this measure increases the number of adults with development or intellectual disabilities who can be served in an adult foster home. Your Committee notes that the intent of certifying adult foster homes for up to two adults with developmental or intellectual disabilities was to provide a family home setting, rather than a group home setting. Increasing the number of adults moves away from that intent and toward the direction of the group home model.

However, your Committee recognizes that there may be certain situations where it would be appropriate to increase the number of adults with developmental disabilities or intellectual disabilities who can reside in an adult foster home. Rather than a blanket increase in the number of adults in these homes, your Committee concludes that it would be more appropriate to provide the Director of Health with the flexibility to waive the two adult restriction for adult foster homes on a case-by-case basis.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have increased the number of adults with developmental or intellectual disabilities who can be served in an adult foster home from two to three; and
- (2) Permitting the Director of Health to waive the two adult limit for certification of a home as an adult foster home; provided that the number of adults with developmental or intellectual disabilities in the certified home shall not exceed three adults with developmental or intellectual disabilities.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 529, H.D. 1, S.D. 1, as amended herein, and



recommends that it pass Third Reading in the form attached hereto as H.B. No. 529, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,

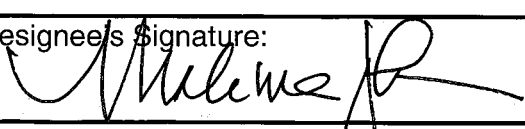


ROSALYN H. BAKER, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
HB529 HDI SDI	HMS, CPN	3/28/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
GALUTERIA, Brickwood (VC)				✓
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama	✓			
TANIGUCHI, Brian T.	✓			
WAKAI, Glenn				✓
SLOM, Sam				✓
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes