

Honolulu, Hawaii
March 21, 2014

RE: S.B. No. 2264
S.D. 2
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 2264, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CAREGIVING,"

begs leave to report as follows:

The purpose of this measure is to establish hospital requirements regarding lay caregivers, which include:

- (1) Allowing patients or patients' legal guardians, within 24 hours following a patient's entry into the hospital, the opportunity to designate one or more lay caregivers in the patient's medical record;
- (2) Authorizing hospitals to:
 - (A) Notify a patient's caregiver of the patient's discharge or transfer to another licensed facility; and
 - (B) Consult with a patient's lay caregiver regarding the lay caregiver's capabilities and limitations and issue a discharge plan that describes a patient's after-care at the patient's residence; and



- (3) Providing immunity to hospitals and hospital employees for causes of action against them with regard to this measure.

The Hawaii County Office of Aging, Hawaii Family Caregiver Coalition, Hawaii Alliance for Retired Americans, American Cancer Society Cancer Action Network, Hawaii Primary Care Association, and several individuals supported this measure. The Chamber of Commerce of Hawaii, Healthcare Association of Hawaii, Hawaii Association for Justice, and Hawai'i Pacific Health opposed this measure. The Councilmember of District 5 of the City and County of Honolulu, The Queen's Health System, Kaiser Permanente Hawaii, and ILWU Local 142 commented on this measure.

Your Committee has amended this measure by:

- (1) Amending the definition of "lay caregiver" to include the requirement that after-care be provided without compensation;
- (2) Specifying that designation of a lay caregiver obligates the individual to perform after-care for the patient;
- (3) Deleting provisions authorizing hospitals to provide lay caregivers with instruction in after-care;
- (4) Appropriating funds to the Hawaii Health Systems Corporation for Fiscal Year 2014-2015 to implement lay caregiving in its facilities;
- (5) Changing its effective date to July 1, 2150; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

At the public hearing, your Committee noted that in 2009, the State received a \$1.1 million grant for discharge planning purposes. To support further legislative deliberations, your Committee requests the Executive Office on Aging to provide to the House Committee on Finance, a report on the planning process encompassed by the grant, including how the moneys were used. Your Committee also respectfully requests the House Committee on Finance to consider whether hospitals should be required to implement lay caregiving as specified in this measure and the role, if any, that insurance, including private insurance, assumes or should assume to support lay caregivers.



Your Committee also wishes to note that assuming a 25 percent personal cost increase, HHSC hospitals will require an additional appropriation of \$1.675 million annually to comply with the lay caregiving provisions in this measure.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2264, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2264, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Health,




DELLA AU BELATTI, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSCR 1164-14

Record of Votes of the Committee on Health

Bill/Resolution No.: SB 2204 SD2	Committee Referral: HLT, FIN	Date: 3/19/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. BELATTI, Della Au (C)	✓			
2. MORIKAWA, Dee (VC)	✓			
3. CARROLL, Mele				✓
4. CREAGAN, Richard	✓			
5. HASHEM, Mark J.	✓			
6. JORDAN, Jo				✓
7. KOBAYASHI, Bertrand	✓			
8. OSHIRO, Marcus R.				✓
9. WOODSON, Justin H.	✓			
10. MATSUMOTO, Lauren Kealohilani	✓			
TOTAL (10)	7			3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				