

Honolulu, Hawaii
March 21, 2014

RE: S.B. No. 2853
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. 2853, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES
ADULT FOSTER HOMES,"

begs leave to report as follows:

The purpose of this measure is to clarify the conditions under which adult foster homes for individuals with developmental or intellectual disabilities may be certified by the Department of Health by:

- (1) Prohibiting legal guardians, trustees, and relatives of residents from acting as certified caregivers in a certified adult foster home;
- (2) Limiting the total number of foster children and adults with developmental or intellectual disabilities in a dually certified home to three instead of five, and exempting foster homes already certified under existing requirements; and
- (3) Prohibiting the Department of Human Services from dually certifying any existing certified adult foster home as a foster boarding home for children.



The Department of Health and State Council on Developmental Disabilities supported this measure. The Hawaii Disability Rights Center and a concerned individual opposed this measure. The Department of Human Services provided comments on this measure.

Your Committee has amended this measure by:

- (1) Eliminating the prohibition against legal guardians, trustees, and relatives acting as certified caregivers for individuals with intellectual or developmental disabilities in a certified adult foster home;
- (2) Granting the Director of Health discretion to allow an adult foster home to house up to three adults with developmental or intellectual disabilities if one of the disabled adults is related to the certified caregiver;
- (3) Limiting rather than prohibiting dual certification of an existing adult foster home as a foster boarding home for children;
- (4) Changing its effective date to January 1, 2150, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 2853, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2853, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

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

H SCR 1165-14

Record of Votes of the Committee on Health

| Bill/Resolution No.: SB 2853 SD2 | Committee Referral: HLT, JUD | 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 | ✓ | | | |
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| TOTAL (10) | 8 | | | 2 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; margin-left: 100px;">committee acronym(s)</div> | | | | |
| Vice Chair's or designee's signature: _____ <div style="text-align: center; margin-left: 100px;"></div> | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |