

HCR 31

HD 1

Measure Title: REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY OF THE BEST MANAGEMENT PRACTICES IN ADULT CARE HOMES.

Report Title: Adult Care Homes; Best Management Practices

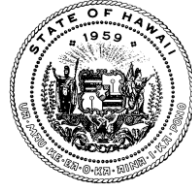
Description:

Companion:

Package: None

Current Referral: HMS/HTH

Introducer(s): EVANS



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DEPARTMENT OF HEALTH
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In reply, please refer to:
File:

Senate Committee on Health and Committee on Human Services

**HCR 31, HD 1, Requesting the Department of Human Services to Conduct a Study
of the Best Management Practices in Adult Care Homes.**

**Testimony of Linda Rosen, M.D., M.P.H.
Director of Health**

Tuesday, April 15, 2014

1 **Department's Position:** The department respectfully OPPOSES this resolution as unnecessary.

2 **Fiscal Implications:** The fiscal implications have not been identified but if this resolution would

3 unreasonably stretch current limited resources.

4 **Purpose and Justification:** This resolution primarily outlines concerns of protection and safety of

5 elderly and disabled adults in Hawaii's care homes. The department wholeheartedly shares in these

6 concerns. As a result, the state requires these homes to be licensed and the department conducts annual

7 inspections of these homes to ensure compliance with licensing requirements. Hawaii Administrative

8 Rules (HAR) Chapter 100.1 outlines the licensing requirements for adult residential care homes (ARCH)

9 and expanded ARCHs. It outlines caregiver qualifications, admissions policies, care services, the

10 physical environment, and residents' rights among many other requirements. Specifically, Chapter

11 100.1-21 specifies the rights and responsibilities of residents and caregivers. It requires that the licensee

12 or primary caregiver "shall be responsible for ensuring the health, safety, welfare and civil rights of all

13 residents under their care." Residents must be treated with dignity and respect and they "have the right

14 to be free from ill treatment, physical punishment, exploitation, neglect, physical or psychological

15 abuse..." Residents also "have the right to an environment free of weapons, illicit drugs or other

1 conditions that may cause the resident to feel unsafe.” Other rights are also delineated in the
2 regulations.

3 The department is also finalizing administrative rules on background checks that will require all
4 caregivers and non-caregiver adults residing in the home to have background checks, excluding the
5 resident patient. This will go further to ensuring that all persons residing in the home have a background
6 check to ensure the safety of the resident patients.

7 As for conducting a study of the best management practices in adult care homes, this is best left
8 for the adult care home industry to perform similar to the way other caregiver associations or trade
9 organizations improve the standard of care or management practices within their respective industries.
10 This is a dynamic area of study and examination that requires the free flow and exchange of information
11 over an extended period of time.

12 As the state’s primary regulatory agency on adult care homes, the department’s current resources
13 are focused on current licensing surveys and complaint investigations. These resources cannot be
14 redeployed away from those primary functions without risking delays in surveys and investigations and
15 exposing elderly and disabled adults to harm.

16 Therefore, in summary, the department respectfully requests that the Legislature consider asking
17 the private sector such as the adult care home trade associations or similar organizations to conduct such
18 a study.

19 Thank you for the opportunity to testify on this resolution.