

Honolulu, Hawaii  
February 12, 2016

RE: H.B. No. 2005  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 2005 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to protect the interests of Hawaii's elderly and disabled by establishing various policies to address the issues concerning the elderly, disabled, and the community healthcare industry in the State. Among other things, this measure:

- (1) Requires the Department of Health to conduct unannounced visits, other than for inspection for relicensing, to community care homes or day care centers licensed or certified by the Department of Health;
- (2) Requires the licensing of community-based care homes or day care centers providing healthcare to the elderly or disabled who are unrelated to the caregiver family;
- (3) Makes it a misdemeanor for any person to intentionally operate a community-based foster family home, adult foster home, or adult day care center without a license;
- (4) Requires inspection reports to be posted on the Department of Health's website and provides for the removal of violations from the website after three years from the date the report was posted;



- (5) Allows the Department of Health to maintain a forum on its website where all state-licensed care facilities may post vacancy information to facilitate the placement of individuals;
- (6) Establishes a schedule for license, relicense, certification, and recertification fees for various care facilities;
- (7) Allows two private-pay individuals to be cared for in the same community care foster family home under certain qualifying conditions;
- (8) Establishes a compensation schedule for caregivers;
- (9) Requires the Department of Health to reimburse community health care facilities and case managers for interest on late payments that are overdue by at least 30 days; and
- (10) Requires the Director of Health to adopt rules regarding expanded adult residential care homes whereby a Type I home must consist of five or fewer residents with no more than three, instead of two, nursing facility level residents.

The Adult Foster Homecare Association of Hawaii and numerous concerned individuals supported this measure. The Department of Health and the Department of Human Services opposed this measure. State Council on Developmental Disabilities, Hawaii Disability Rights Center, and two concerned individuals commented on this measure.

Your Committee has amended this measure by:

- (1) Removing the limitation that the Department of Health conduct unannounced visits other than for the inspection for relicensing;
- (2) Removing the requirement for the Department of Health to maintain a forum on its website where all state-licensed care facilities may post vacancy information;
- (3) Removing the schedule for license, relicense, certification, and recertification fees for various care facilities;



- (4) Removing the compensation schedule for caregivers;
- (5) Removing the requirement that the Department of Health reimburse community health care facilities and case managers for interest on late payments that are overdue by at least 30 days;
- (6) Removing the requirement that the Director of Health adopt rules regarding expanded adult residential care homes whereby a Type I home must consist of five or fewer residents with no more than three, instead of two, nursing facility level residents;
- (7) Changing its effective date to July 1, 3000, to encourage further discussion; and
- (8) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2005, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2005, H.D. 1, and be referred to your Committee on Health.

Respectfully submitted on  
behalf of the members of the  
Committee on Human Services,



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DEE MORIKAWA, Chair



