

Honolulu, Hawaii
February 19, 2016

RE: H.B. No. 2005
H.D. 2

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

Sir:

Your Committee on Health, to which was referred H.B. No. 2005, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure, as received by your Committee, is to adequately address issues concerning the elderly and disabled and the community healthcare industry, particularly ensuring consumer protection for Hawaii's elderly and disabled care facility residents. Specifically, this measure:

- (1) Requires the Department of Health (DOH) to conduct annual unannounced visits to every licensed or certified community care home or adult day care center under its jurisdiction;
- (2) Requires the licensure of all community-based care homes and adult day care centers that provide health care to the elderly or disabled who are unrelated to the caregiver family, and making these facilities subject to penalties for noncompliance;
- (3) Requires DOH to convene a working group to discuss and provide feedback on the implementation and maintenance of a forum on its website where state-licensed care facilities may post facility vacancy information and to submit a report to the Legislature before the 2017 Regular Session;



- (4) Appropriates funds for the implementation and maintenance of a forum on DOH's website;
- (5) Authorizes DOH, in concert with the Department of Human Services (DHS), to permit two private-pay individuals to be cared for in the same three-bed community care foster family home, subject to certain qualifying conditions; and
- (6) Requires DOH and DHS to jointly submit a report of their findings and recommendations to the Legislature prior to the 2017 Regular Session on authorization to allow two private-pay individuals to be cared for in the same community care foster family home, including its impact on Medicaid recipients.

The Adult Foster Home Association of Hawaii testified in support of this measure. The Hawaii Disability Rights Center, Adult Foster Home of the Pacific, Alliance of Residential Care Administrators, and numerous individuals testified in support of particular parts of this omnibus measure and commented on other parts. The DOH opposed this measure. The State Council on Developmental Disabilities and DHS commented on this measure.

Noting the concerns raised in testimony and during discussion at the public hearing on this measure, your Committee has amended this measure by deleting all content except that relating to authorizing a private-pay individual to occupy the third bed at an appropriately certified community care foster family home. Your Committee further amended that content to:

- (1) Convert statutory authorization for a second private-pay individual in a community care foster family home to a pilot program to permit two private-pay individuals to be cared for in the same three-bed community care foster family home, subject to certain qualifying conditions;
- (2) Require DHS to examine the effects of requiring adult residential care homes and extended adult residential care homes to accept Medicaid recipients to reside in their homes; and
- (3) Require DOH and DHS to submit reports to the Legislature prior to the 2017 Regular Session as follows:



- (A) DOH shall submit a report of the progress made to implement the pilot program, including the impact of implementation on the availability of space for Medicaid clients in community care foster family homes and other home and community service facilities; and
- (B) DHS shall submit a report of its findings and recommendations, including any proposed legislation, on the effect of requiring adult residential care homes and expanded adult residential care homes to accept Medicaid clients to reside in their homes.

Your Committee also amended this bill by establishing a July 1, 2070, effective date to facilitate further discussion on 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 H.B. No. 2005, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 2005, H.D. 2.

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



DELLA AU BELATTI, Chair



