

STAND. COM. REP. NO.

2513

Honolulu, Hawaii

MAR 03 2016

RE: S.B. No. 2384
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 2384 entitled:

"A BILL FOR AN ACT RELATING TO LICENSING INSPECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to require the
Department of Health to conduct unannounced visits and relicensing
inspections for state-licensed care facilities and medical
marijuana dispensaries.

Your Committee received testimony in support of this measure
from the Department of Health, State Council on Developmental
Disabilities, International Longshore and Warehouse Union Local
142, and one individual. Your Committee received testimony in
opposition to this measure from fourteen individuals.

Your Committee finds that the Department of Health is
responsible for licensing, certifying, and monitoring several
types of facilities, including care facilities and medical
marijuana dispensary facilities, to ensure a standard of quality.
This measure requires the Department to conduct unannounced visits
and relicensing inspections for state-licensed care facilities and
medical marijuana dispensaries. According to testimony from the
Department of Health, the Department prefers that relicensing or
recertification surveys be unannounced in order to maximize the
effectiveness of the inspections for these care homes or
dispensaries. These unannounced visits will be consistent with
all other relicensing inspections of health care facilities under



the regulatory responsibility of the Office of Health Care Assurance and are an important safeguard for the public.

Your Committee has heard the testimony from some care home operators expressing concern that the care home operators may be negatively impacted by the unannounced inspections or visits, especially if the care home operators are not at home when the Department of Health arrives to conduct a survey. Your Committee notes these concerns but, after speaking with the Department, concludes that many of these concerns are unfounded. According to the Department, the Department recognizes and understands that care home operators have many responsibilities and cannot always remain in the home. However, if the Department stops by for an inspection or visit and the primary caregiver or homeowner is not home, any patients in the care home must be left in the care of a secondary caregiver. This secondary caregiver will be able to answer any of the questions that the Department may pose, and the primary caregiver's or homeowner's unavailability will not otherwise negatively impact the results of the Department's survey.

The Department indicated to your Committee that if the Department encounters something during a survey that may be out of compliance, the health care facility operator has the ability to respond to and dispute any Department findings. In general, health care facility operators and the Department agree on a plan of correction. The Department testified that it has never closed a facility due to the inability of a health care facility operator to fix a deficiency. Your Committee was reassured after the testimony and discussion with the Department and finds unannounced inspections and visits are an important aspect of consumer protection for patients in the State's care facilities.

Finally, your Committee notes that according to the Department of Health, certain care facilities under the responsibility of the Department are certified, rather than licensed. Amendments to this measure are therefore necessary to reflect this distinction.

Your Committee has amended this measure by:

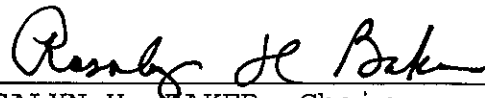
- (1) Clarifying that the Department of Health shall conduct unannounced visits and relicensing or recertification inspections for state-licensed care facilities; and



- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2384, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2384, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:
SB2384	CPH	2-17-16
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
	Nay	Excused
BAKER, Rosalyn H. (C)	/	
KIDANI, Michelle N. (VC)	/	
ESPERO, Will		/
IHARA, Jr., Les	/	
NISHIHARA, Clarence K.		/
RUDERMAN, Russell E.		
SLOM, Sam		/
TOTAL	3	2
		2
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
<i>Michelle N. Sidoni</i>		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
		Goldenrod Committee File Copy

*Only one measure per Record of Votes