



STATE OF HAWAII
DEPARTMENT OF HEALTH

P. O. Box 3378
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doh.testimony@doh.hawaii.gov

**Testimony Providing COMMENTS on House Bill 1195
Relating to Expanded Adult Residential Care Homes**

REPRESENTATIVE DELLA AU BELATTI, CHAIR
REPRESENTATIVE DEE MORIKAWA, CHAIR

HOUSE COMMITTEE ON HEALTH AND
COMMITTEE ON HUMAN SERVICES

Hearing Date: Friday, February 13, 2015 Room Number: 329

1 **Fiscal Implications:** No new fiscal impacts although the staff time and effort expended over
2 recent years on applications for a 3rd nursing facility level bed has slowed down the department's
3 ability to process new applications for new ARCH and E-ARCH, and other licenses.

4 **Department Testimony:** Thank you for the opportunity to provide COMMENTS on this bill.

5 There are 236 licensed Type I E-ARCHs in Hawaii. During recent years, OHCA has
6 received approximately 133 applications for a 3rd nursing facility level bed and has approved
7 125, or 94% of the applications received. Only about 8 applications were denied or deferred. In
8 2014, there were 12 applications and 10 were approved.

9 In 2010, a bill was passed to allow OHCA to approve a 3rd bed. The bill sunsetted in
10 2013. Nevertheless, OHCA has incorporated into its operation the standard practice of accepting
11 applications for a 3rd bed with the results noted above.

12 OHCA is concerned for the health and safety of all residents and of the E-ARCH's ability
13 to care for an additional nursing facility level resident. As a result, OHCA implemented criteria
14 for the approval of such applications. The criteria includes a review of the E-ARCH's history of
15 the prior two years to ensure no serious or significant deficiencies were cited, that plans of
16 corrections for other citations were submitted timely and corrections were made, that residents
17 are able to self-preserve or evacuate on their own from the home in case of an emergency, and

1 other similar criteria. As the above statistics indicate, the Type I E-ARCH facilities have
2 performed well to earn the department's approval of a 3rd bed.

3 As a result, this bill does not appear to be necessary but it is the department's position to
4 provide COMMENTS only in order to provide the legislature with a context on what the
5 department has and is continuing to do on the matter of applications from Type I E-ARCHs for
6 licensure of a 3rd nursing facility level bed.

7 Thank you for the opportunity to provided COMMENTS.

8 **Offered Amendments:** None

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DATE: Friday, February 13, 2015

TIME: 8:30 a.m.

PLACE: Conference Room 329

State Capitol

415 South Beretania Street

Rep. Della Au Belatti, Chair, Committee on Health

Rep. Dee Morikawa, Chair, Committee on Human Services

Members of the Committee on Health and the Committee

On Human Services

My name is Lilia Fajotina, President of ARCA, (Alliance of Residential Care Administrators).

I strongly support the HB 1195 Relating to Expanded Adult Residential Care Home.

In 2010 HB 2157 was enacted into law (Act 120) which increased the capacity from two to three nursing facility level residents in Type I Expanded Adult Residential Care Homes.

Unfortunately there was a sunset date of June 30, 2013. The purpose of this bill is to put back in place the language of Act 120 (2010).

Care homes have been saving the State millions of dollars yearly by providing our kupuna quality care service in our homes. We are a safe and highly regulated industry. Passing this bill will allow more beds to be available for our elderly, a portion of our population that continues to grow each year.

Many of our elderly who are waitlisted for long-term care occupy acute care beds in our hospitals creating shortages for those acute care beds. Increasing the capacity in care homes will help open up beds for those that need those services.

Caregivers are caring individuals who have opened their homes to care for the elderly. Please pass this bill out and let our caring caregiver provide care to more clients and in the process and improve the long-term care and acute care bed shortage issues.

THANK YOU FOR ALLOWING ME TO TESTIFY...

Testimony for Health / Human Services: February 13, 2015 0830AM **HB1195**

E-mail address: hokulakil@hawaii.rr.com

To the Honorable Committee Chairs, Vice Chairs and Committee Members:

My name is Myriam Tabaniag, a Registered Nurse, Vice President of the Alliance of Residential Care Administrators (ARCA) and also President and owner of two residential carehomes here in Hawaii.

I strongly support **HB1195**, its content and purpose.

Community-based facilities like **Care Homes** have been saving the State and families of our state, millions of dollars yearly by providing our frail kupunas quality care services in our homes. **We are a safe and highly regulated industry.** Care homes are licensed by the Dept. of Health, Office of Health Care Assurance Branch with regulations under the State of Hawaii Title 11 Section 100.1 (HAR). There's a shortage of SNF beds in hospitals and Long Term Care facilities as we all know. Passing this Bill will allow more beds to open for our elderly. The State pays \$2500 for each SNF resident in the community based facility (i.e. care homes) while Long Term Care facility like Nursing Homes averages between \$8,000.00 to \$9,000.00 per month, **three times the amount paid to the carehomes.**

Passing this measure will also help to protect the health, safety, civil rights and the rights of choice of the residents who are already living in the carehomes for many years. At present, carehomes are allowed only two (2) expanded or skilled nursing facility (SNF) level residents in the home. If one of the other residents who is already living in the care home gets hospitalized and upon discharge, the level of care changes into SNF level, that resident is not allowed to come back into the same carehome, even though he/she has been living in the same carehome for 5-20 years, if the carehome already has 2 SNF level residents. This causes transfer trauma to the resident, the families and to us, caregivers.

SNF level residents in the carehomes have Registered Nurses Case Managers to oversee their care in the carehomes. They are a part of the team that includes the residents' families and guardians to help plan, train and execute the individualized care plan especially made for the residents.

There's already a safety net built-in into the carehomes rules and regulations: Title 11 Section 100.1 (HAR) regarding structural requirements, staffing, fire safety, etc.

Page 2 (HB-1195)

With all of the above reasons, HB 2157 HD1 SD1 CD1 was passed into law in 2010 that a Type I Care Home Facility can have 3 Expanded Care residents in the home at the discretion of the Dept. of Health, Office of Health Care Assurance, who also licenses the Type I and Type II Care Homes in the State.

Unfortunately, there was a Sunset date of June 30, 2013 on the above mentioned Law that was missed. Most Care Homes were granted the third Expanded Care resident (at the discretion of DOH-OHCA) and all are in good standing as to this date.

We ask that the Hon. Chairs, Vice Chairs and Committee members of Health and Human Services pass this measure and also to remove the sunset date of June 30, 2018.

Other community based facilities like the Community Care Foster Family Homes (CCFFHs) and Developmentally Disabled (DD) Foster Homes are already allowed by Law to take care of 3 SNF residents in their homes without sunset dates.

Thank you for allowing me to testify.

To: Committee Chair on Health, and Representative Chair Della Au Belatti
Committee Chair on Human Services, Representative Dee Morikawa

Date: February 13, 2015, 8:30 AM, House Conference, Rm 329

Re: HB 1195– Relating to Expanded Adult Residential Care Homes - Increases the capacity from two to three nursing facility level residents in Type I Expanded Adult Residential Care Homes. Sunsets June 30, 2018.

Chair Belatti, Chair Morikawa and Committee Members:

Thank you very much for the opportunity to hear my **STRONG SUPPORT** to the measure. I am a registered nurse and officer of Alliance Residential Care Administrators (ARCA). I am a co-owner of adult residential care home.

In 2010, H.B. 2157 (H.D.1, S.D.1, C.D. 1), the legislature passed the bill into law: HRS 321-15-62. The Act states that:

(A) A type I home shall "consist of five or fewer residents with no more than two nursing facility level residents; provided that more nursing facility level residents may be allowed at the discretion of the department; and provided further that up to six residents may be allowed at the discretion of the department to live in a type I home; provided that the primary caregiver or home operator is a certified nurse aide who has completed a state-approved training program and other training as required by the department"

As a matter of fact, HB 2157 specified three (3) nursing level residents, but the language of the above HRS states, "more nurse nursing facility level residents maybe allowed at the discretion of the department." This could be interpreted as more than 3.

Unfortunately, the Act had a sunset date on June 30, 2013. Nevertheless, Office of Health Care Assurance (OHCA) continued to issue licenses to the care home operators who requested 3 nursing level facility level residents.

Mahalo.

Ramon Sumibcay

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 13, 2015 12:04 AM
To: HLTtestimony
Cc: jnrworks@yahoo.com
Subject: Submitted testimony for HB1195 on Feb 13, 2015 08:30AM

HB1195

Submitted on: 2/13/2015

Testimony for HLT/HUS on Feb 13, 2015 08:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Noemi Arzaga	Arzaga's Adult Foster Care	Support	No

Comments: Preserving and promoting the growth of residential care living and services is the key to maintaining the economic vitality of our state. Reason, it is affordable, quality driven, and safe. The ever increasing demand for long-term care will not just fade over time, but it will just continue to grow and culminate to an unbearable concern or issue if, not addressed at this day and time. I am grateful that this bill is introduced because not only that it will help the growth of this industry, but it will also help the government economically. Overall, I do support this bill and hope that you find it worthy to allow three nursing facility level residents in an expanded residential care homes. The resident caregiver ratio is still much lower compared to a nursing home facility allowing more quality time with the resident to be integrated with the home environment fostering the social model of care. Caregivers are well trained and has had long term care experiences supporting the need for additional residents requiring nursing facility level of care in a residential care setting. The homes are well managed and regulated by RN case managers and, for this reason, the care provided are quality driven with oversight that is safe.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**Arlene Hanks CCFFH
Jonathan & Arlene Hanks
44-124 Mikiola Drive
Kaneohe Hawaii, 96744**

February 11, 2015

**To: House of Representatives
Committee on Human Services
Rep. Dee Morikawa, Chair
Rep. Bertrand Kobayashi, Vice Chair**

**Rep. Della Au Belatti
Rep. Richard P. Creagan
Rep. Mark J. Hashem**

**Rep. Jo Jordan
Rep. Marcus R. Oshiro
Rep. Beth Fukumoto Chang**

**Hearing on HB1196
Thursday, February 12, 2015
10:00 A.M.
Conference Room 329
State Capitol
415 South Beretania Street**

Testimony:

Aloha, my name is Jonathan P. Hanks, My wife Arlene and I run a Community Care Family Foster Home. My wife has been a certified CCFFH operator continuously since 2000. I've been caring for elderly in our home since 2006, with my wife. I am also certified as an Adult Care Home Operator. As our elderly population is increasing we need as many options as possible for them in long term care. I agree that Adult Residential Care Homes should be allowed to increase their capacity from 2 to 3 nursing home level clients.

I am in support of HB1195.

I humbly thank this Committee for this Opportunity to Speak.

Sincerely,

Jonathan P. Hanks

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 10, 2015 5:42 PM
To: HLTtestimony
Cc: okanocarehome@yahoo.com
Subject: Submitted testimony for HB1195 on Feb 13, 2015 08:30AM

HB1195

Submitted on: 2/10/2015

Testimony for HLT/HUS on Feb 13, 2015 08:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Stacey Okano	Individual	Support	No

Comments: As an EARCH it is so very important this bill be implemented. I speak for many of the home-based caregivers when I say we set out on this journey to give back to our community, most specifically our aging population so that they can spend their final days in a home-like setting. It is shameful to have to discharge a long term resident because he/she ages into place and becomes expanded. Our goal is to provide continuity of care in a loving, safe environment and assist them as they transition out of this life. I believe with appropriate staffing our Type I homes should be allowed up to 6 residents of which 3 could be expanded. Please consider this bill as our communities/aging populations need this. Mahalo for your consideration.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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