



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
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March 17, 2017

The Honorable Josh Green, Chair
Senate Committee on Human Services
Twenty-Ninth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Senator Green and Members of the Committee:

SUBJECT: HB 199 HD2 – Relating Adult Protective Services

The State Council on Developmental Disabilities (DD) **STRONGLY SUPPORTS HB 199 HD2**. The bill authorizes the Department of Human Services to investigate allegations of the physical isolation of vulnerable adults and take corrective action including obtaining judicial relief.

The Council is especially pleased with the description of “Physical isolation” as described on page 1 lines 5-11. To deny a person of their ability to communicate and interact with others for no reason is an act of abuse and neglect. Care providers need to be educated on this to assure they remain in compliance with the Centers for Medicare and Medicaid Services (CMS) CMS–2249–F; CMS–2296–F, an integration rule which is commonly known as the Final Rule. This Final Rule is meant to ensure that Medicaid’s Home and Community-Based Services (HCBS) programs provide full access to the benefits of community living and offer services in the most integrated settings.

In Hawaii, all adults with developmental disabilities do not choose where they live or who lives with them. As indicated in the 2014-2015 National Core Indicators report, located online at http://www.nationalcoreindicators.org/upload/core-indicators/2014-15_ACS_Hawaii_Report.pdf;

- 45% of respondents reported they had no choice or input where they lived.
- 52% of respondents reported they had no choice or input in selecting the people with whom they lived with.
- 29% of the respondents reported they felt lonely at least half of the time.
- 22% of the respondents wanted to live somewhere else.

Showing that individuals residing in homes that they did not choose, with people they did not select, has left them feeling lonely and wanting to move. These individuals are at risk of physical or psychologically isolated. Caregivers need to be aware of this and

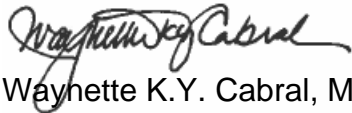
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trained on how to prevent isolation from occurring. The Department of Human Services and the Department of Health has recognized this and are developing training for caregivers on how to provide the most appropriate integrated home settings. This training will also provide assurance to the state that the Final Rule is being followed, preventing the occurrence of any physical isolation.

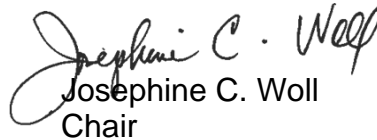
If a caregiver will not follow the integration Final Rule, they may lose their residential license or certification and not be able to receive Medicaid reimbursement for services provided. However, a caregiver could opt out of the licensing or certification process and provide services to individuals on a private pay basis. HB 199 HD2 is needed to prevent physical isolation from occurring in any setting where care is provided to a vulnerable adult.

Thank you for the opportunity to submit testimony in **strong support of HB 199 HD2.**

Sincerely,



Waynette K.Y. Cabral, MSW
Executive Administrator



Josephine C. Woll
Chair