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STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

**LATE**

February 9, 2017

TO: The Honorable Representative Angus L.K. McKelvey, Chair  
House Committee on Consumer Protection & Commerce

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 674 HD1 – RELATING TO CHILD CARE PROVIDERS**

Hearing: Thursday, February 9, 2017, 2:00 p.m.  
Conference Room 329, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of this measure and offers comments.

**PURPOSE:** The purpose of the bill is to require child care providers subject to regulation by the Department of Human Services to obtain and maintain liability insurance as a condition of licensure, temporary permission, or registration.

The primary focus of DHS child care licensing program is on the health and safety of all children in care. Section 346-157, Hawaii Revised Statutes (HRS), prohibits DHS from requiring a provider to obtain or maintain liability insurance coverage as a condition of licensure, temporary permission, or registration to operation a child care facility. Legislative history from the 1986 House Committee on Human Services provides that the Legislature was concerned with the costs of liability insurance that was passed on to parents, and that parents should be made aware if the child care facility had opted to not have any insurance coverage. See House Journal, Standing Committee Report no. 208-86, on HB 2238-86 (1986).

Existing administrative rules, in accordance with section 346-157(c), HRS, only requires child care homes and facilities to disclose in their written policies whether the

home or facility maintains liability coverage and must notify parents or guardians in writing no later than seven working days of the cancellation or termination of its liability insurance coverage. If the measure is enacted into law, pursuant to Chapter 91, HRS, DHS would need to amend existing administrative rules for all licensed and registered child care facilities and homes.

DHS provides the following comments:

- HB 674 HD1 requires the amount of liability insurance coverage to be determined by the department. Determining the amount of coverage will require investigation and research, which DHS started by sending inquiries to local child care associations as to industry standards. Multi-site center based child care providers reported different ranges of coverage with the minimum beginning at \$1 million per occurrence with a variation from \$3 million aggregate to \$15 million aggregate, with costs from \$24,000 to \$96,000 for multiple sites. Other providers reported that the insurance rates were determined by different criteria such as revenue at the site, ages of the children, and property values. With wide variation in costs for center based providers, we have not determined whether there are additional differences in what is covered or excluded by individual policies. The cost of home based providers is not known, however, in general, DHS understands that regular home owner liability insurance would not cover negligence that occurred during operation of a home business.
- As of January 2017, there were 393 registered family child care homes and 6 licensed group child care homes statewide. HB 674 HD1 if passed, and depending on the cost of insurance coverage, may result in the significant unintended consequences: 1) the statewide reduction of available registered family child care homes and licensed group child care homes, as home-based providers would be disproportionately impacted by the passage of this bill, and these small home-based businesses may not be able to afford the costs of liability insurance coverage, 2) the cost of child care may likely rise, as cost of providing services rise and the numbers of

providers decreases, and 3) lower income families may be disproportionately impacted as they would be priced out of licensed child care. Low-income families may then have no choice but to use less expensive, unregulated child care options.

If the bill is adopted, there will be impact to small businesses and such DHS rule changes would be considered by the Small Business Regulatory Review Board with the Department of Business, Economic Development, and Tourism.

DHS also informs the committee that in consultation with the Department of Accounting and General Services, Risk Management Office, it would require an additional position to assist DHS in determining annually whether the individual insurance policies of over 1,000 child care facilities and homes would meet the standards DHS develops. DHS defers to DAGS on implementation and other issues.

Also, if the measure is enacted, DHS asks that the effective date be sufficiently delayed to give adequate time for the department to determine appropriate amounts of coverage, to amend the relevant administrative rules, and to give providers adequate time to acquire the additional coverage.

Thank you for the opportunity to provide comments on this bill.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 7, 2017 8:49 PM  
**To:** CPCtestimony  
**Cc:** nanueiki@gmail.com  
**Subject:** \*Submitted testimony for HB674 on Feb 9, 2017 14:00PM\*

**HB674**

Submitted on: 2/7/2017

Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Emma Yuen	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 1:06 PM  
**To:** CPCtestimony  
**Cc:** Jmuir@hawaii.edu  
**Subject:** Submitted testimony for HB674 on Feb 9, 2017 14:00PM

**HB674**

Submitted on: 2/8/2017  
Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jeff muir	Individual	Support	No

Comments: This is a common sense measure that should be passed. Requiring daycare establishments to hold liability insurance policies safeguards those families that trust their children to them in the event of tragedy.

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**Sent:** Wednesday, February 8, 2017 1:12 PM  
**To:** CPCtestimony  
**Cc:** sischo@hawaii.edu  
**Subject:** Submitted testimony for HB674 on Feb 9, 2017 14:00PM

**HB674**

Submitted on: 2/8/2017

Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Sischo	Individual	Support	No

Comments: I support the proposed requirement that all providers must obtain and maintain liability insurance as a condition of licensure, temporary permission, or registration to operate a child care facility. This is common sense. I'm actually shocked this isn't already a requirement.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 1:20 PM  
**To:** CPCtestimony  
**Cc:** edithdadkins@gmail.com  
**Subject:** Submitted testimony for HB674 on Feb 9, 2017 14:00PM

**HB674**

Submitted on: 2/8/2017  
Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Edith Adkins	Individual	Support	No

Comments: I am a mother of a 5 year old who struggled terribly in finding adequate safe child care for my child. I support the proposed requirement that all providers must obtain and maintain liability insurance as a condition of licensure, temporary permission, or registration to operate a child care facility.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 1:17 PM  
**To:** CPCtestimony  
**Cc:** jasonmisaki@gmail.com  
**Subject:** Submitted testimony for HB674 on Feb 9, 2017 14:00PM

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Submitted on: 2/8/2017

Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jason Misaki	Individual	Support	No

Comments: I support the proposed requirement that all providers must obtain liability insurance as a condition of licensure, temporary permission, or registration to operate a child care facility

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 1:21 PM  
**To:** CPCtestimony  
**Cc:** leyla@hawaii.edu  
**Subject:** Submitted testimony for HB674 on Feb 9, 2017 14:00PM

**HB674**

Submitted on: 2/8/2017

Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leyla Kaufman	Individual	Support	No

Comments: I support the proposed requirement that all providers must obtain and maintain liability insurance as a condition of licensure, temporary permission, or registration to operate a child care facility.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 1:25 PM  
**To:** CPCtestimony  
**Cc:** joshua.stanbro@gmail.com  
**Subject:** \*Submitted testimony for HB674 on Feb 9, 2017 14:00PM\*

**HB674**

Submitted on: 2/8/2017  
Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Josh Stanbro	Individual	Support	No

Comments:

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**Sent:** Wednesday, February 8, 2017 1:25 PM  
**To:** CPCtestimony  
**Cc:** zombies@hawaii.rr.com  
**Subject:** Submitted testimony for HB674 on Feb 9, 2017 14:00PM

**HB674**

Submitted on: 2/8/2017

Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jim Hayden	Individual	Support	No

Comments: HB674 - I support the proposed requirement that all providers must obtain and maintain liability insurance as a condition of licensure, temporary permission, or registration to operate a child care facility.

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I support HB674, with the proposed requirement that all day care providers must obtain and maintain liability insurance as a condition to operate a state licensed child care facility. This is a requirement for most day care facilities already, and it is alarming that in-home day care has been exempt.

My son Wiley was almost four months old when he passed away under the care of a State licensed day care provider. We now know that she was caring for far more than the legal number of children at the time of Wiley's death, and we suspect that negligence played a role. The Honolulu Police Dept., Office of the Prosecuting Attorney and State Attorney General's office have not pursued criminal charges against this provider.

Our family has been unable to pursue a legal case against this provider in civil court because the provider has no money or assets to pursue. The cost of a wrongful death lawsuit like this could total hundreds of thousands of dollars...which means even civil attorneys who might be interested in litigation would be unable to recoup their costs.

I believe that the criminal justice system be provided the legal authority to appropriately pursue day care providers who cause the death or serious injury of a child as a result of negligence or reckless disregard of day care laws. However if criminal charges are not, or cannot be pursued, I believe the requirement of day care providers to maintain liability insurance would ensure that families have the option to take action in civil court, to pursue justice for their family as well as appropriate damages.

DHS will make the argument that they do not want to further burden day care providers. I would argue strongly that if the State of Hawaii is giving their stamp of approval to these providers, that there is a responsibility to ensure that protections are in place for the providers and for the families they serve. DHS will further argue that those costs will likely be passed on to families. Again, I would argue that families are already willing to pay more for licensed providers, based on the belief that these protections are already in place, and investing in a false sense of security.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 1:23 PM  
**To:** CPCtestimony  
**Cc:** afsheenahmad@yahoo.com  
**Subject:** Submitted testimony for HB674 on Feb 9, 2017 14:00PM

**HB674**

Submitted on: 2/8/2017  
Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
afsheen siddiqi	Individual	Support	No

Comments: I support the proposed requirement that all providers must obtain and maintain liability insurance as a condition of licensure, temporary permission, or registration to operate a child care facility.

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**Sent:** Wednesday, February 8, 2017 1:49 PM  
**To:** CPCtestimony  
**Cc:** carlm@hawaii.edu  
**Subject:** \*Submitted testimony for HB674 on Feb 9, 2017 14:00PM\*

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Submitted on: 2/8/2017

Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carl Meyer	Individual	Support	No

Comments:

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**To:** CPCtestimony  
**Cc:** sporck@hawaii.edu  
**Subject:** Submitted testimony for HB674 on Feb 9, 2017 14:00PM

**HB674**

Submitted on: 2/8/2017

Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Margaret Sporck Koehler	Individual	Support	No

Comments: I am a resident of Kalaheo and I support the proposed requirement that all providers must obtain and maintain liability insurance as a condition of licensure, temporary permission, or registration to operate a child care facility.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 1:44 PM  
**To:** CPCtestimony  
**Cc:** zachrcaldwell@gmail.com  
**Subject:** Submitted testimony for HB674 on Feb 9, 2017 14:00PM

**HB674**

Submitted on: 2/8/2017

Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Zach Caldwell	Individual	Support	No

Comments: I support the proposed requirement that all providers must obtain and maintain liability insurance as a condition of licensure, temporary permission, or registration to operate a child care facility.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 1:42 PM  
**To:** CPCtestimony  
**Cc:** keko\_137@yahoo.com  
**Subject:** Submitted testimony for HB674 on Feb 9, 2017 14:00PM

**HB674**

Submitted on: 2/8/2017

Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kuulei Waite	Individual	Support	No

Comments: I am a mom of one toddler and I support the proposed requirement that all providers must obtain and maintain liability insurance as a condition of licensure, temporary permission, or registration to operate a child care facility.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 1:32 PM  
**To:** CPCtestimony  
**Cc:** jania34@gmail.com  
**Subject:** Submitted testimony for HB674 on Feb 9, 2017 14:00PM

**HB674**

Submitted on: 2/8/2017

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Andrea Jani	Individual	Support	No

Comments: I am a working mother of 2 from Manoa Valley. I feel strongly about safety of children in the care of child care centers, and about the need for provider accountability. I support the proposed requirement that all providers must obtain and maintain liability insurance as a condition of licensure, temporary permission, or registration to operate a child care facility. Thank you.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 1:57 PM  
**To:** CPCtestimony  
**Cc:** kteranis@gmail.com  
**Subject:** Submitted testimony for HB674 on Feb 9, 2017 14:00PM

**HB674**

Submitted on: 2/8/2017

Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kristen Teranishi	Individual	Support	No

Comments: I am a mother and I support the proposed requirement that all providers must obtain and maintain liability insurance as a condition of licensure, temporary permission, or registration to operate a child care facility.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 1:55 PM  
**To:** CPCtestimony  
**Cc:** joshuapatwood@gmail.com  
**Subject:** Submitted testimony for HB674 on Feb 9, 2017 14:00PM

**HB674**

Submitted on: 2/8/2017

Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Josh Atwood	Individual	Support	No

Comments: Aloha, this measure is needed to provide parents with legal recourse for compensation in the event of negligence by a day care provider, and would also protect the daycare provider's person assets in the event of a suit. This is a clear win-win and should be passed. Recent deaths and injuries at hawaii daycare is unacceptable.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 1:54 PM  
**To:** CPCtestimony  
**Cc:** ntakayesu@gmail.com  
**Subject:** Submitted testimony for HB674 on Feb 9, 2017 14:00PM

**HB674**

Submitted on: 2/8/2017

Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Noelani Takayesu	Individual	Support	No

Comments: My name is Noelani Takayesu and I am a mother to a young daughter and I am expecting another daughter in April of this year. While preparing to send my daughter to a group childcare home in 2015, I encountered a Department of Human Services licensed childcare provider who routinely engaged deceptive, unsafe and unsanitary practices within her home while caring for children which ultimately resulted in the death of 4 month old Wiley King. Upon further investigating this provider and engaging in a lengthy and unfruitful personal bankruptcy proceeding with the caregiver, myself and 27 other families have lost out on a total of \$43,000. I support the proposed requirement that all providers must obtain and maintain liability insurance as a condition of licensure, temporary permission, or registration to operate a child care facility. There is an expectation that when the Department of Human Services awards a license to childcare facilities that the provider(s) will follow the laws of the State of Hawaii that are in place for many reasons. Childcare providers can and should be held to a high standard when they are entrusted with the care and safety of our most vulnerable population, the keiki of Hawaii. I thank you for your time and thoughtful consideration of HB674.

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**Sent:** Wednesday, February 8, 2017 2:13 PM  
**To:** CPCtestimony  
**Cc:** rnvfishing@gmail.com  
**Subject:** \*Submitted testimony for HB674 on Feb 9, 2017 14:00PM\*

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Submitted on: 2/8/2017

Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Roy N Morioka	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 2:51 PM  
**To:** CPCtestimony  
**Cc:** ben@bikesharehawaii.org  
**Subject:** Submitted testimony for HB674 on Feb 9, 2017 14:00PM

**HB674**

Submitted on: 2/8/2017

Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ben Trevino	Individual	Support	No

Comments: I am a resident of Ala Moana with many friends that are parents including one whose infant son died in a state licensed child care facility. I strongly support the proposed requirement that all providers must obtain and maintain liability insurance as a condition of licensure, temporary permission, or registration to operate a child care facility. This requirement will create safer environments for children and allow affected parents to pursue justice for their losses

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 8, 2017 3:13 PM  
**To:** CPCtestimony  
**Cc:** wmeguro@gmail.com  
**Subject:** Submitted testimony for HB674 on Feb 9, 2017 14:00PM

**HB674**

Submitted on: 2/8/2017

Testimony for CPC on Feb 9, 2017 14:00PM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wendy Meguro	Individual	Support	No

Comments: Aloha, I am a mother in Honolulu. I support the proposed requirement that all providers must obtain and maintain liability insurance as a condition of licensure, temporary permission, or registration to operate a child care facility. Thank you for protecting our keiki. Aloha, Wendy Meguro

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