

Committee on Ways and Means  
Sen. Jill N. Tokuda, Chair  
Sen. Donovan M. Dela Cruz, Vice Chair

SB 530, SD1 Making an Appropriation for the  
Office of the Long-Term Care Ombudsman Program

Conference Room 211, 9:35 a.m.  
February 23, 2017

*Testimony of John G. McDermott, LSW, ACSW, M.Div.*  
*State Long Term Care Ombudsman*  
**In strong support of SB 530, SD1**

**Purpose** of SB530, SD1: To **restore** the Ombudsman Specialist for Oahu – which was established by the Legislature in 1979 – and to provide funding to contract three part-time Ombudsmen for Kauai, Maui and Hawaii counties.

Good afternoon, Chair Tokuda and Vice Chair Dela Cruz and members of the committee,

My name is John G. McDermott and I have been the State Long Term Care Ombudsman (SLTCO) since August 4, 1998 (almost 19 years). In 1975 Hawaii was one of the first states to initiate the *Nursing Home Ombudsman Demonstration Pilot*. At that time nursing homes (NH) were the only long term care facilities around. Now in Hawaii we also have assisted living facilities (ALF), adult residential care homes (ARCH), expanded adult residential care homes (E-ARCH) and community care family foster homes (CCFFH).

Because of its success, in 1978 the Older Americans Act (OAA) was amended to require that all states have an Office of the Long Term Care Ombudsman Program. In 1979 HRS 349 was amended to conform with federal law and finally in 2007 section 21-25, part III was added to HRS 349 officially establishing in Hawaii an Office of the Long Term Care Ombudsman Program.

While federal and state law requires an Office of the Long Term Care Ombudsman Program, there are no staffing requirements. It's clear, however, one SLTCO cannot provide "timely and regular access to the LTCOP services" for the current 12,340 long term care residents in Hawaii - as the law requires. Hawaii is now the ONLY state with only ONE ombudsman to meet the needs of this federally and state mandated Program.

The National Institute of Medicine's 1995 report, *Real People, Real Problems: An Evaluation of the Long-Term Care Ombudsman Programs of the Older Americans Act* recommends **at a minimum** 1 ombudsman per 2,000 residents.

- Hawaii has 1 ombudsman per 12,340 residents.
- National average is 1 ombudsman to 2,208 beds.

This study was done at a time when most residents were in nursing homes. Today's residents live in many different types of facilities (and in Hawaii on 6 different islands) so the logistics are more complicated and require greater staffing.

The OAA mandates all residents *"have regular and timely access to the LTCOP services."* AOA/Administration on Community Living (ACL) interprets this as "every resident is visited quarterly." Our 12,340 residents currently live in 1,702 facilities. A quarterly visit would require **28 facility visits a day!**

Kauai has 5 NHs, 1 ALFs, 19 CCFFHs and 15 ARCHs or 40 LTC facilities with 601 beds. The current annual cost to make quarterly visits to Kauai is \$16,800.

Maui has 4 NHs, 1 ALFs, 50 CCFFHs and 15 ARCHs or 70 LTC facilities with 808 beds. The current annual cost to make quarterly visits to Maui is \$25,200.

Hawaii has 9 NHs, 1 ALFs, 125 CCFFHs and 52 ARCHs or 187 LTC facilities with 1,676 beds. The current annual cost to make quarterly visits to Hawaii is \$64,800.

Oahu has 32 NHs, 11 ALFs, 951 CCFFHs and 411 ARCHs or 1,405 LTC facilities with 9,255 LTC beds. The current annual cost to make quarterly visits to Oahu depends on the price of gas so hard to calculate but high.

The total travel costs alone to the Neighbor Islands are approximately \$106,800 and would require 1,892 trips. My total operating budget is only \$30,400. Also please note Neighbor Island residents pay the same federal and state taxes as Oahu yet they have never had the same "regular and timely access to services" provided by the LTCOP.

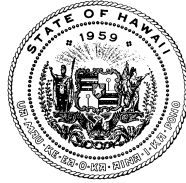
It should be clear to everyone this Program has never been adequately funded or staffed and this must be corrected. In the recent reorganization of the Executive Office on Aging the Ombudsman Specialist position for Oahu was eliminated making my job impossible. Little thought was given as to how this would impact our seniors or the effectiveness of this Program.

The LTCOP tries to protect our most vulnerable, and often hidden from sight, kupuna. It should not be confused with Adult Protective Services or the Department of Health licensing agency. APS only investigates cases of abuse or neglect and they have a screening process to weed out callers. DOH focuses mostly on annual inspections and then they are gone. Yes, they also investigate complaints but only the LTCOP is there to prevent problems, to work with residents, family and staff to make the facility better, to provide support and protection to the residents, as well as investigating complaints, by visiting at least once a quarter.

Please support this bill.

Mahalo for giving me this opportunity to testify.

DAVID Y. IGE  
GOVERNOR OF HAWAII



TERRI BYERS  
DIRECTOR

VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
EXECUTIVE OFFICE ON AGING  
NO. 1 CAPITOL DISTRICT  
250 SOUTH HOTEL STREET, SUITE 406  
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**COMMENTING on SB0530, SD1  
MAKING AN APPROPRIATION FOR THE OFFICE OF THE LTC OMBUDSMAN  
PROGRAM**

COMMITTEE ON WAYS AND MEANS  
SENATOR JILL N. TOKUDA, CHAIR  
SENATOR DONOVAN M. DELA CRUZ, VICE CHAIR

Testimony of Terri Byers  
Director, Executive Office on Aging  
Attached Agency to the Department of Health

Hearing Date: February 23, 2017,  
9:35 a.m.

Room Number: 211

- 1 **Office Testimony:** The Executive Office on Aging (EOA) would like to provide comments on
- 2 SB0530, SD1. We support the intent of this measure provided that its enactment does not reduce
- 3 or replace priorities within the Administration's executive biennium budget.
- 4 **Fiscal Implications:** This measure appropriates \$150,000 for the Long Term Care Ombudsman
- 5 Program (LTCOP) to include a position on Oahu and contracted services on the neighbor islands.
- 6 **Purpose and Justification:** EOA notes that funding for the LTCOP is a priority of the Ige
- 7 Administration. Governor David Ige's Executive Biennium Budget proposes a \$100,000
- 8 appropriation for the LTCOP. It would provide for three \$25,000 neighbor island contracts to
- 9 support long term care facility visits, counseling and/or investigating complaints, volunteer
- 10 coordination activities and trainings and \$25,000 for program operating expenses (e.g. travel,
- 11 mileage, postage, etc.).

1 The Long Term Care Ombudsman Program (LTCOP) is operated within the Executive Office on  
2 Aging, the designated State Unit on Aging and recipient of Older American's Act grant funding.  
3 Title VII of the Older American's Act, the LTCOP, partially funds two positions within the  
4 Executive Office on Aging. One position functions as the State Long Term Care Ombudsman  
5 and the other as the LTCOP volunteer coordinator. As the Title VII grant award is minimal, the  
6 Executive Office on Aging uses other resources to offset the salaries of the two positions and  
7 provide for a small operating budget.

8 With limited program resources, our LTCOP does not meet national standards/requirements.

9 Should there be a surplus of funds available to fund a full time State civil service LTCOP staff  
10 position for Oahu that is not a part of the Governor's budget request, we would be supportive as  
11 it will better improve the efficiency of the LTCOP and better meet national requirements.

12 Additional funding will enable us to better secure the safety of older adults in Hawaii's care  
13 facilities.

14 EOA continues to examine ways to improve the efficiency of the LTCOP and meet federal  
15 program requirements. Without additional funding, the LTCOP will continue be out of  
16 compliance with federal mandates.

17 **Recommendations:** We support advancing this bill provided that its enactment does not reduce  
18 or replace priorities within the Administration's budget request.

19 Thank you for the opportunity to testify.



The Senate  
Committee on Ways and Means  
Thursday, Feb. 23, 2017  
9:35 a.m.  
Conference Room 211

**RE: SB 530, SD1 RELATING TO AN APPROPRIATION FOR THE OFFICE OF LTC OMBUDSMAN PROGRAM**

TO: Senator Jill Tokuda, Chair  
Senator Donovan Dela Cruz, Vice Chair

AARP is a membership organization of people age fifty and over with nearly 150,000 members in Hawaii. AARP advocates and provides information on issues that matter to our kupuna and their families, including affordable, accessible, quality health care, financial resiliency, and livable communities

AARP Hawaii testifies in **strong support** of SB 530, SD 1 to appropriate funding to the Office of the Long Term Care Ombudsman.

This office is grossly understaffed to respond and investigate complaints and concerns of long term residents who reside in Hawaii's long term care facilities. There is currently one ombudsman and eight ombudsman volunteers responsible to visit residents in Hawaii's 1,702 facilities which include adult residential care homes, foster care homes, assisted living and nursing homes. This breaks down to 1,405 long term care facilities on Oahu, 40 on Kauai, 70 on Maui and 187 facilities on the Big Island of Hawaii. It takes a herculean effort to provide regular visitation and timely response to these residents' concerns and needs. With over 12,000 residents in our long term care residential facilities, there should be six full time ombudsmen based on the minimum staffing ratio of 1 ombudsman to every two-thousand residents according to the 1995 Institute of Medicine's recommendation.

The requested appropriation provides the necessary funding for one full time program specialist for Oahu, and allocates resources for contracted services through the Office of Long Term Care Ombudsman in the counties of Hawaii, Kauai and Maui. Thank you for the opportunity to testify.

The Twenty-Ninth Legislature  
Regular Session of 2017

THE SENATE

Committee on Ways and Means

Senator Jill N. Tokuda, Chair

Senator Donovan M. Dela Cruz, Vice Chair

State Capitol, Conference Room 211

Thursday, February 23, 2017; 9:35 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 530, SD1  
MAKING AN APPROPRIATION FOR THE  
OFFICE OF THE LONG-TERM CARE OMBUDSMAN PROGRAM**

The ILWU Local 142 **supports** S.B. 530, SD1, which makes an appropriation for the Office of the Long-Term Care Ombudsman Program.

S.B. 530, SD1 is proposing a nominal \$150,000 appropriation to allow for a small expansion of the Long-Term Care Ombudsman Program from one staff person, who singlehandedly services the entire state with 1,702 facilities, to add one staff person for each island. The amount of funding is a small sum for individuals who must possess skills to evaluate quality of care in an objective manner and have the sensitivity to interview long-term care clients, caregivers, and providers.

Although we believe that even more funding is needed, whatever the Legislature can provide will, we are assured, be put to good use.

The ILWU urges passage of S.B. 530, SD1. Thank you for the opportunity to provide testimony on this measure.

# ARNE WERCHICK

Attorney, retired (formerly California State Bar 1965-2015)  
76-187 Kamehamalu Street  
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February 21, 2017

Senate Committee on Ways and Means  
Senator Jill N. Tokuda, Chair

Re: **Senate Bill 530, SD 1 (Long-Term Care Ombudsman)**

Hearing Date: February 23, 9:35 a.m.

Dear Chair Tokuda and Committee members:

I write in strong support of Senate Bill 530 which provides a very modest appropriation to support the vitally important Long-Term Care Ombudsman Program. I believe I am qualified to comment on this legislation because, before becoming a full-time resident on the Big Island, for the last ten years of my fifty-year career as a civil attorney in California I concentrated on issues directly affecting seniors with emphasis on residential and health care matters. I was Special Counsel for California Advocates for Nursing Home Reform (CANHR) and in that capacity -- among other cases -- was *amicus curiae* attorney in *State Department of Public Health v. Superior Court, Center for Investigative Reporting* (California Supreme Court, 2015) \_\_ Cal.4th \_\_ (S214679), affirming the public right to full disclosure of citations for adverse events at long-term health care facilities. I am generally familiar with the federally-prescribed Long-Term Care Ombudsman Program.

The long-term care ombudsman is frequently the last asset available to seniors both residing in care facilities and in the community when confronted with troubling issues. Considering that this senior population is among our most vulnerable and helpless citizens, such assistance can be life-saving and often mean the difference between quality living and misery. According to data provided by the federal Administration on Aging (most recent figures available for FY 2013), nationally ombudsmen resolved or partially resolved 73% of all complaints to the satisfaction of the resident or complainant, while visiting 70% of all nursing homes and 29% of all board and care, assisted living and similar homes at least quarterly.

Senator Jill N. Tokuda, Chair  
February 21, 2017  
Re: Senate Bill 530 SD 1 (support)  
Page Two

The types of problems commonly encountered included improper eviction or inadequate discharge/planning; unanswered requests for assistance; lack of respect for residents; administration and organization of medications; issues of quality, quantity or choice of food; or building or equipment which was in disrepair or hazardous. Ombudsmen can address such issues promptly and directly and without the need for financially-pressed seniors to try to obtain legal assistance. It is a vital service and deserves unqualified support.

I am pleased to add my voice in strong support of Senate Bill 530 which is a comparatively small appropriation for a very valuable program which without doubt provides essential help for our senior community.

**- Arne Werchick**  
[ArneWerchick@gmail.com](mailto:ArneWerchick@gmail.com)  
76-187 Kamehamalu Street  
Kailua-Kona, Hawaii 96740-8996  
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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 21, 2017 2:13 PM  
**To:** WAM Testimony  
**Cc:** chalintornburian@yahoo.com  
**Subject:** Submitted testimony for SB530 on Feb 23, 2017 09:35AM

**SB530**

Submitted on: 2/21/2017

Testimony for WAM on Feb 23, 2017 09:35AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chalintorn N. Burian	Individual	Support	No

Comments: To The Senate Ways and Means Committee: I strongly support SB530 LTC Ombudsman. Look forward to your support to this Bill as well. Mahalo, Chalintorn N. Burian, Ph.D. Paauilo, HI 96776 Phone: (808) 775-1064

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**TESTIMONEY IN SUPPORT OF SB 530 SD1**

**RELATING TO MAKING AN APPROPRIATION FOR THE  
OFFICE OF THE LONG-TERM CARE OMBUDSMAN PROGRAM**

**To:** Senator Jill N. Tokuda, Chair, Committee on Ways and Means, and  
Committee Members

**Hearing Date: Thursday, February 23, 2017, 9:35 a.m.; CR 211**

Thank you for the opportunity to submit written testimony in **strong support** of **SB 50 SD1**, Relating to the Long-Term Care Ombudsman Program. My name is Anna Filler and I retired two years ago at the age of 75. I worked for an estate planning law firm for over 20 years and have been in many of these care and nursing homes as part of my job. Some of these homes that I have been in are definitely not up to standards.

This bill will provide funds for additional staffing. There is only one staff member serving over 12,000 long term care residents statewide. Hawaii's staff to resident ratio ranked 10<sup>th</sup> worst in the nation.

**The Long Term Care Ombudsman program** requests funds for additional staffing so that our aging seniors are protected from undesirable living conditions.

I urge you to support Hawaii's growing senior population by supporting SB 530 SD1.

Thank you very much for the opportunity to submit my testimony in support SB 530 SD1.

Anna Filler  
Email: [afiller@twc.com](mailto:afiller@twc.com)  
Kakaako/Senate District 12

To: Senate Ways and Means Committee, Senator Jill Tokuda,  
Chair

Date: Feb 23, 2017

Room 211

Time: 9:35 a.m.

**RE: SB 530 SD1 Relating to LTC Ombudsman Position**

Chair Tokuda and Committee members:

Thank you for the opportunity to submit written testimony in  
**STRONG SUPPORT** of SB 530 SD1 Relating to LTC Ombudsman  
Position.

My name is Geoffrey Casburn and I am a retired Civil Engineer.  
My wife and I live in Hilo.

Recent reported problems at Legacy in Hilo point to the need for  
prompt review of reported problems. I strongly support HB 610  
SD1 as a means of improving our State' ability to meet the needs  
of our kupuna in long-term care facilities.

Thank you,

Geoffrey Casburn

District of Hilo

Aloha Chair Tokuda, Vice Chair Dela Cruz and committee members.

I am a senior citizen and a resident of House District 19 and Senate District 9. I am a member of AARP, Kokua Council, the Hawaii Alliance of Retired Americans and the Legislative Committee of PABEA.

I am testifying in strong support of SB530, SD1, to appropriate funds for the office of the Long-term Care Ombudsman program. This program, which has become, essentially, a one person operation, is responsible for overseeing the needs of more than 12,000 individuals in ARCH's Community Care Foster Homes and nursing homes.

More staff is desperately needed is to make sure that these individuals are visited regularly. our most frail and vulnerable elderly are safe.

Please move SB530, SD1 forward, to ensure the safety of our most frail and vulnerable kupuna.

Thank you for the opportunity to testify.

Barbara J. Service

William Beadle  
1720 Ala Moana, 1406A  
Honolulu, HI 96815

To: Senate Ways and Means Committee, Senator Jill Tokuda, Chair

Date: February 22, 2017

RE: Senate Bill 530

The purpose of this correspondence is to express my **strong support for SB 530**, which provides funding to expand the Long Term Care Ombudsman program. I have some personal knowledge of the need for this expansion. Over the past seven years I watched as my older sister Mary acted as ombudsman to her husband who was afflicted with Alzheimer's disease. Tom was lucky to have Mary oversee the care he received as he went in and out of various facilities until his passing this past year. She told me of the struggles she had in assuring that his care was the best each facility could offer, her constant vigilance assured that his final years were healthy and comfortable. What if Mary hadn't been there for her husband? Who would have looked out for his interests?

In Hawaii, the Long Term Care Ombudsman helps to fulfill that role, acting on behalf of those that do not have the constant support of family or friends. Currently, there are over 12,000 people residing in over 1,700 facilities across the Hawaiian Islands. There is only one ombudsman to provide oversight and advocacy in the entire state. That is why I am in support of SB 530, additional funding will allow for the expansion of services to this population.

Thank you for the opportunity to express my support for SB 530.

Aloha, Bill Beadle

Waikiki

***Capt. T. J. Davies, Jr. (Ret.)***  
***909 Kapiolani Blvd # 601***  
***Honolulu, HI 96814-2132***  
***[tjdavies@juno.com](mailto:tjdavies@juno.com)***  
***808-593-1026***

21 February 2017

To: Committee on Ways & Means, Sen. Jill N. Tokuda, Chair, Sen. Donovan M. Dela Cruz, Vice Chair

Date: Thursday, February 23, 2017, 9:35 a.m.

Re: SB 530, SD1, Appropriation for the Office of the Long-Term Care Ombudsman Program.

Chair Tokuda, Vice Chair Dela Cruz, and members of the committee:

My name is T. J. Davies Jr. I am 82 years old, retired and live in Kakaako. I am writing in STRONG SUPPORT of SB 530, Appropriation for the Office of the Long-Term Care Ombudsman Program. I am an advocate for Kupuna issues and I am writing to ask for your support for the State Long Term Care Ombudsman Program.

The EOA re-organization in 2015 eliminated the Ombudsman Specialist Position which covered Oahu. LTC Ombudsman Program has no time for the three Neighbor Island Counties if now required to cover Oahu. This is a Federal and State mandated state-wide program but no resources are provided from DOH/EOA or the Hawaii Legislature to do this.

DOH and the Senate and House Health Committees have refused to fund LTCOP staff, i.e., one each Ombudsman for the three Neighbor Island Counties, for multiple legislative sessions over many years, notwithstanding that **The Institute on Medicine 1995 report “Real People Real Problems: An Evaluation of the Long Term Care Ombudsman Programs of the Older Americans Act” recommended a minimum of one full time paid Ombudsman for every 2,000 residents.** By that criteria, the LTCOP should be a staff of six (6) for the 12,340 residents in Hawaii’s 1,702 “long-term care facilities.

Again, DOH and the Senate and House Health Committees have refused to fund LTCOP staff, i.e., three Ombudsmen for the three Neighbor Island Counties, for multiple legislative sessions over many years. By this criteria, in a 13 week period of five (5) working days (with no holidays or sick days) it would require 25 facilities per day to be visited, which would be impossible even if all 25 were located in the same geographical area instead of being scattered throughout four Counties and multiple islands.

Your favorable consideration of this legislation is requested. Mahalo & Aloha

T. J. Davies Jr., Volunteer  
Treasurer, AARP Chapter 60 Honolulu  
Treasurer, Kokua Council for Senior Citizens of Hawaii Education Fund  
Director, Hawaii Alliance for Retired Americans  
Kakaako (District 26 / Senate District 12)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 22, 2017 11:19 AM  
**To:** WAM Testimony  
**Cc:** dovebarbara@hotmail.com  
**Subject:** Submitted testimony for SB530 on Feb 23, 2017 09:35AM

**SB530**

Submitted on: 2/22/2017

Testimony for WAM on Feb 23, 2017 09:35AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Dove	Individual	Support	No

Comments: 808-282-7207

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 22, 2017 1:29 PM  
**To:** WAM Testimony  
**Cc:** john.a.h.tomoso@gmail.com  
**Subject:** Submitted testimony for SB530 on Feb 23, 2017 09:35AM

**SB530**

Submitted on: 2/22/2017

Testimony for WAM on Feb 23, 2017 09:35AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John A. H. Tomoso	Individual	Support	No

Comments: Aloha kakou, I am in strong support of the appropriation of \$150,000 to the Office of the Long-Term Care Ombudsman (LTCO) to increase the support the LTCO on Oahu and to provide funds for contracted services through the LTCO in the counties of Hawaii, Kauai, and Maui. I am aware that the LTCO serves the entire state with a single Social Worker, stationed on O'ahu with an every-decreasing core of trained volunteers. I believe that when compared with LTCO's in other states, with similar targeted population numbers, Hawai'i is woefully underfunded and understaffed. Besides, Hawai'i being an island state, is further behind, given the fact of our geographic isolation and separateness. Please fund and capacitate our current LTCO to a level that I and many others in the Aging Network, including several of my Social Worker colleagues, have advocated for quite sometime. Mahalo John A. H. Tomoso, MSW, ACSW, LSW 51 Ku'ula Street Kahului, HI 96732-2906 808-280-1749 john.a.h.tomoso@gmail.com

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TO: Senate Committee on Ways and Means, Senator Jill Tokuda, Chair  
Date: Thursday, February 23, 2017, State Capitol Conference Room 211, 9:35 a.m.  
RE: SB 530 SD1 Appropriation for the Office of Long Term Care Ombudsman

To Chair Tokuda and Members of the Committee,

I am writing to you in support of SB 530 SD1, requesting an appropriation for the Office of the Long Term Care Ombudsman. My name is Paul Nishimura, and I am a 59 year old resident of Waipahu. Though my parents never had to spend any time in a care home I want to believe that someone is making sure that the care homes, nursing facilities and assisted living facilities are giving appropriate care to the 12,000 long term care residents statewide. Chances are that my wife and I will be needing long term care one day. When that time comes it would give me and my caregivers piece of mind knowing that any facility we choose will offer quality care.

At the present there is only one person covering the entire state which includes 1,630 community residential care homes, 49 nursing facilities and 13 assisted living facilities. Additional staff is needed to get issues resolved in a timely manner for this most vulnerable population.

Thank you for this opportunity to submit testimony.

Paul Nishimura  
Waipahu