

Honolulu, Hawaii
February 16, 2018

RE: H.B. No. 1911
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1911, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to protect the health and safety of vulnerable adults by:

- (1) Authorizing the Department of Health to investigate care facilities reported to be operating without an appropriate certificate or license; and
- (2) Establishing penalties for the:
 - (A) Operation of an uncertified or unlicensed care facility; and
 - (B) Referral and transfer of patients to uncertified or unlicensed care facilities.

The Department of Health, Office of the Long-Term Care Ombudsman, Alliance of Residential Care Administrators, Big Island Adult Foster Home Association, Big Island Adult Residential Carehome, Adult Foster Homecare Association of Hawaii, Kokua Council, and a few individuals testified in support of this



measure. Comprehensive Innovations for Senior Services, Maile Case Management, LLC, and two individuals testified in opposition. The Department of the Attorney General, AARP Hawaii, Healthcare Association of Hawaii, and The Queen's Health Systems provided comments.

Your Committee has amended this measure by:

- (1) Deleting language establishing investigations, actions upon investigation, penalties, and transfers to uncertified or unlicensed care facilities;
- (2) Requiring the Department of Health to establish a home aid registry;
- (3) Authorizing the Department of Health to establish procedures for the receipt, investigation, and resolution of complaints against home care agencies;
- (4) Requiring the Department of Health to post electronic copies of inspection reports for community-based care homes;
- (5) Allowing the Department of Health to create a forum for job listings for vacancies within state-licensed care facilities;
- (6) Defining "community based care home," "health care," "home care," "home care agency," "home care aid," and "vulnerable adult";
- (7) Authorizing the Department of Health to conduct unannounced inspections of community-based care homes and adult day care centers;
- (8) Requiring home care agencies, community-based care homes, and adult day care centers to be licensed or certified;
- (9) Penalizing the intentional obstruction or interference of the Department of Health's investigation, right of entry, of communication of a vulnerable person, as a misdemeanor;



- (10) Penalizing the intentional operation of a community-based foster family home, adult foster home, adult day care center, and home care agency without a license as a misdemeanor;
- (11) Requiring the Department of Health to convene a working group on the implementation and maintenance of a forum where state-licensed care facilities may post job vacancies and making an appropriation; and
- (12) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1911, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 1911, H.D. 2.

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

fr *RCM*
ROY M. TAKUMI, Chair



