

STAND. COM. REP. NO.

2489

Honolulu, Hawaii

FEB 16 2018

RE: S.B. No. 2586
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committees on Human Services, Commerce, Consumer Protection, and Health, and Judiciary, to which was referred S.B. No. 2586 entitled:

"A BILL FOR AN ACT RELATING TO CARE FACILITIES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize the Department of Health, upon receipt of a report that an entity is operating a care facility without the required certification or licensure, to investigate to determine the validity of that report, subject to certain conditions;
- (2) Establish certain actions the Department may take upon confirming a report of the operation of a care facility without certification or licensure;
- (3) Establish a misdemeanor offense for intentionally or knowingly obstructing or interfering with the Department's right of entry to a facility for its investigation; and
- (4) Establish penalties for intentionally operating a care facility without a certificate or license and knowingly



referring or transferring patients to an uncertified or unlicensed care facility.

Your Committees received testimony in support of this measure from the Department of Health, Office of the Long Term Care Ombudsman, League of Women Voters, and eight individuals. Your Committees received testimony in opposition to this measure from Maile Case Management, Comprehensive Innovations for Senior Services, and nineteen individuals. Your Committees received comments on this measure from Healthcare Association of Hawaii, AARP Hawaii, and Chinatown Gateway Plaza Tenant Association.

Your Committees find that health care facilities serve a vital role in providing care to all people of Hawaii, especially elderly individuals who depend on services provided by licensed healthcare professionals and facilities. Your Committees further find that over the past few years, the number of potentially unlicensed care facilities has increased and may pose significant risk to the health, safety, and welfare of patients. In addition, the Department of Health has been hampered in conducting investigations on unlicensed care facility operators who refuse to speak with the Department's investigators or to allow entry for the purpose of determining if the facility is operating without a certificate or license. Authorizing the Department to investigate care facilities will ensure that all care facilities are certified and licensed to provide the necessary care to their patients.

Your Committees have amended this measure by:


- (1) Inserting a purpose section;
- (2) Inserting definitions for the terms "care facility", "department", "health care provider", "person", and "vulnerable adult";
- (3) Requiring the Department of Health to exercise its right of entry pursuant to a warrant; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services, Commerce, Consumer Protection, and



Health, and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2586, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2586, S.D. 1, and be referred to your Committee on Ways and Means.


Respectfully submitted on behalf of the members of the Committees on Human Services, Commerce, Consumer Protection, and Health, and Judiciary,



ROSALYN H. BAKER, Chair



JOSH GREEN, Chair




BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2586	HMS/CPH/JDC, WAM	2-5-18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, Josh (C)	✓			
CHANG, Stanley (VC)	✓			
HARIMOTO, Breene	✓			
TOKUDA, Jill N.	✓			
WAKAI, Glenn				✓
TOTAL	4			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 2586	Committee Referral: HMS/CPH/JDC, WAM	Date: 2/6/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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