

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of H.B. 1911
RELATING TO HEALTH.**

REPRESANTATIVE JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES

Hearing Date: Wednesday, January 25, 2018 Room Number: 329

1 **Fiscal Implications:** None known.

2 **Department Testimony:** Thank you for the opportunity to testify in SUPPORT of this measure.

3 This measure authorizes the Department of Health (DOH) to investigate care facilities
4 reported to be operating without an appropriate certificate or license issued by the Department.
5 It establishes penalties for violations and for patient referral or transfer to uncertified or
6 unlicensed care facilities.

7 The DOH Office of Health Care Assurance (OHCA) has the regulatory authority to issue
8 health care facility licenses and to conduct surveys (inspections) to ensure compliance with
9 licensing requirements.

10 OHCA had seen a very small but growing number of “caregivers” opening care homes
11 and providing care as possibly unlicensed care homes. OHCA has investigated these homes with
12 mixed success. Some homes voluntarily close once they are notified of licensing requirements,
13 or perhaps they simply moved locations. Other home owners have refused entry by DOH OHCA
14 investigators citing private property concerns.

1 OHCA needs legislation for improved investigative authority to enter private property
2 when conducting a lawful investigation on potentially unlicensed care homes to ensure the
3 health, safety and welfare of persons receiving care at these homes.

4 OHCA needs legislation for improved enforcement authority to assess fines on
5 unlicensed care homes and to assess fines or suspend the license of licensed facilities or
6 professionals when they knowingly refer patients to unlicensed care homes. However, OHCA
7 would conduct thorough investigations before taking any enforcement action. Investigations
8 could determine if circumstances existed that could exonerate the licensed facility or
9 professional in their role in making a specific referral. Circumstances could possibly be based on
10 patient rights and patient choice after receiving appropriate counselling. This circumstance,
11 however, would not be allowed as justification for the unlicensed care home.

12 OHCA's Licensing Section is stretched to conduct inspections and complaint
13 investigations and needs statutory authority to more quickly and effectively address unlicensed
14 care homes before a vulnerable person gets harmed and before the number of unlicensed care
15 homes becomes out-of-hand or unmanageable.

16 Thank you for the opportunity to testify in SUPPORT of this bill.



January 25, 2018 at 9:00 AM
Conference Room 329

House Committee on Health and Human Services

To: Chair John M. Mizuno
Vice Chair Bertrand Kobayashi

From: Paige Heckathorn
Senior Manager, Legislative Affairs
Healthcare Association of Hawaii

Re: **Submitting Comments**
HB 1911, Relating to Health

The Healthcare Association of Hawaii (HAH), established in 1939, serves as the leading voice of healthcare on behalf of 170 member organizations who represent almost every aspect of the health care continuum in Hawaii. Members include acute care hospitals, skilled nursing facilities, home health agencies, hospices, assisted living facilities and durable medical equipment suppliers. In addition to providing access to appropriate, affordable, high quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing over 20,000 people statewide.

The Healthcare Association of Hawaii would like to thank the committee for the opportunity to provide **comments** on HB 1911, which would expand the ability of the Hawaii Department of Health to investigate and penalize unlicensed care homes. We agree with the intent of this measure, which is to protect individuals from receiving potentially sub-standard care. However, we have concerns regarding the penalties levied on health care organizations who refer or transfer patients to an unlicensed home.

One remedy being discussed is to minimize or eliminate the referral sources for these unlicensed homes. Hospitals and nursing facilities were singled out as entities that often refer patients to these unlicensed homes. However, generally, that is not true. The members who responded to our inquiry stated that they do not discharge patients to unlicensed homes or agencies for follow-up care.

However, a patient or their family may elect to go to an unlicensed home based on their own preference. If a patient or their family chooses an unlicensed care home, a hospital or nursing facility is not in a position to impact that decision. Our members have stated that they will inform the patient and their family about the potential consequences of such a placement, but they must honor that choice. That choice is, in fact, codified for seniors receiving Medicare benefits, in 42 U.S.C. 1395a(a), titled "Free Choice by Patient Guaranteed."

Our members must honor the choices made by patients and their families, but could still be penalized under this legislation as it is currently written if the choice is to go to an unlicensed care home. We would ask for the committee's strong consideration of modifying this section so as to not penalize healthcare facilities for decisions made by patients or their families that are outside of their control. Thank you for your time and consideration of our comments.



Kokua Council

The **Kokua Council** is one of Hawaii's oldest advocacy groups. Kokua Council seeks to empower seniors and other concerned citizens to be effective advocates in shaping the future and well-being of our community, with particular attention to those needing help in advocating for themselves.

Legislative Testimony

Prepared by Jim Shon, President, Kokua Council

House Committee on Health and Human Services

DATE: Thursday February 25, 2018
TIME: 9 am
PLACE: Conference Room 329

BILL: HB 1911 RELATING TO HEALTH

Kokua Council is pleased to provide comments and analysis. We believe this bill can be improved in this committee, and should continue in the legislative process ***by including several key elements that can be further discussed and refined throughout the session.***

A Definition. Specifically, the bill does not define AIPs, but assumes we know it when we see it. KC suggests it should include a broader definition with criteria for DOH investigations. At this time, we do not know if assuming a definition would be enough to successfully prevail in court. Such as definition might include the following:

1. A name: such as "For purposes of this section, Community Based Residential Care Facility for vulnerable adults, as defined in HRS Section 346-222.
2. Emphasize the reporting requirements in HRS 346-224.
3. We would include existing definitions, but also add the following:
 - a) Has two or more unrelated adults with two or more deficiencies in activities of daily living and or instrumental activities of daily living;
 - b) Either by individual contracts or facilitation by a landlord or resident caregiver, are receiving services from individual professionals, case managers or case manager type services, or home care agencies as previously defined by HRS section 321-14.8.
 - c) Had been in the last five years a licensed facility;
 - d) Had in the last five years applied for a license from the DOH or DHS;
 - e) Is a self proclaimed Aging In Place Facility;
 - f) Has a rental agreement charging at least twice the market average for the type and location of the facility.

Obviously, items for further discussion might be how many unrelated individuals, and other criteria initially suggested above.

Kokua Council also suggests that the bill should BEGIN its journey as strong as possible, meaning that when a report on a facility meeting a definition is received, DOH SHALL investigate, not the permissive MAY investigate.

Although there is another measure dealing with the Long Term Care Ombudsman, KC suggests that in the section relating to DOH having access, you add the LTCO also having access. This would be limited to these kind of reports and investigations.

We also suggest, that as a starting point, the “trigger” for an investigation and inspection should be not only to determine IF a facility should be licensed, but also IF the residents are subject to obvious abuse as defined by existing law. What would be the purpose of just observing abuse if you cannot act on it?

Finally, per the DOH testimony at your Informational Briefing on January 22, 2018, it would be unfortunate if adding this additional task to DOH would result in taking staff away from its primary work of inspecting licensed facilities, KC suggests that you add a dedicated position to Mr. Ridley’s unit to deal specifically with this issue, and one additional position to the LTCO office. We also respectfully suggest that these positions be exempt, and not require any internal re-organization of DOH. The goal would be to quickly hire individuals to begin the work of identifying, investigating and, when warranted, taking action against those in violation of our laws.

We have attached a suggested DRAFT of HB 1911 HD1 to illustrate the kinds of amendments we hope you will consider adding to the bill. Obviously, actual language of amendments needs your scrutiny.

Thank You for the opportunity to testify.

HOUSE OF REPRESENTATIVES
TWENTY-NINTH LEGISLATURE, 2018
STATE OF HAWAII

H.B. NO. 1911 HD1

A BILL FOR AN ACT
relating to health.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:
SECTION 1. DEFINITIONS For purposes of this section,

“Community Based Residential Care facility” shall mean individual homes, townhouses, auxiliary dwelling units, or and other residential setting with two or more unrelated vulnerable adults as defined by HRS Section 346-222 and who:

- a) are permanently deficient in two or more activities of daily living and or two or more instrumental activities of daily living;
- b) Either by individual contracts or facilitation by a landlord or resident caregiver, are receiving services from individual professionals, case managers or case manager type services, or home care agencies as previously defined by HRS section 321-14.8.
- c) Had been in the last five years a licensed facility;
- d) Had in the last five years applied for a license from the DOH or DHS;
- e) Is a self proclaimed Aging In Place Facility;
- f) Has a rental agreement charging at least twice the market average for the type and location of the facility.
- g) are receiving individual contract or other arrangement

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding five new sections to be appropriately designated and to read as follows:

§321-A Investigations. Upon receiving a report that a person, corporation, or any other entity may be operating a community based care facility as defined in section 1 of this act, without a certificate or license as required by law and issued by the department, or that a home or any type of living arrangement may be operating as a care facility without a certificate or license as required by law and issued by the department, the department, including the long term care ombudsman, may shall conduct an investigation for the limited purposes of determining whether residents are subject to abuse as defined by HRS Section 346-222, and whether the person or entity is operating without a required certificate or license in accordance with the following provisions:

(1) The department may shall request access to the location indicated in the report; or

(2) The department may file a complaint with the district court in the circuit of the location indicated in the report and the district court, upon a finding of probable cause, may issue a search warrant directed to the department and the appropriate county police department, if necessary, to investigate the location pursuant to this section between the hours of sunrise and sunset.

§321-B Action upon investigation. Upon investigation, the department shall take action on confirmed findings that the subject of a report is operating a care facility without the required certificate or license and shall have the authority to do any or all of the following:

(1) Resolve the matter in an informal fashion as is appropriate under the circumstances;

(2) Exercise the department's right of entry under section 321-C;

(3) File a petition with the district court for enforcement, protective, or remedial action; or

(4) Pursue any protective or remedial actions authorized by law.

§321-C Right of entry. The department, including the long term care ombudsman, when engaged in an investigation pursuant to section 321-B shall be authorized to visit and communicate with any person operating the facility, home, or other type of living arrangement that is the subject of a report. Any person intentionally or knowingly obstructing or interfering with the department's right of entry, the department's investigation of a report of operating without a certificate or license, or the department's communication with a vulnerable person reported to be receiving care from an uncertified or unlicensed operator shall be guilty of a misdemeanor.

§321-D Penalty. Any person who intentionally operates a care facility without a certificate or license shall be guilty of a misdemeanor and shall be fined not more than:

(1) \$ _____ for each day of uncertified or unlicensed operation for the first violation;

(2) \$ _____ for each day of uncertified or unlicensed operation for the second violation; and

(3) \$ _____ for each day of uncertified or unlicensed operation for the third and each succeeding violation.

§321-E Referral or transfers to uncertified or unlicensed care facility. It shall be unlawful for a certified or licensed healthcare provider or certified or licensed care facility to knowingly refer or transfer patients to an uncertified or unlicensed care facility. The department shall be authorized to enforce on any certified or licensed healthcare provider or certified or licensed care facility that knowingly refers or transfers patients to a care home, agency, or facility operating without a certificate or license as required by law, a fine of not more than:

(1) \$ _____ for the first violation;

(2) \$ _____ for the second violation; and

(3) \$ _____ for the third and each succeeding violation.

In addition to fines imposed under this subsection, the department may initiate administrative proceedings to suspend or revoke the referring or transferring care provider or facility's certificate or license upon a third or any succeeding violation."



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House of Representatives
Committee on Health & Human Services
Thursday, January 25, 2018
9:00 a.m.
Conference Room 329

To: Representative John Mizuno, Chair
Re: H.B. No. 1911, Relating to Health

Dear Chair Mizuno, Vice-Chair Kobayashi and Members of the Committee,

My name is Kerry M. Komatsubara and I am the Advocacy Director for AARP Hawaii. AARP is a membership organization of people age fifty and over with about 150,000 members in Hawaii. AARP advocates for issues that matter to Hawaii families, including the high cost of long-term care; access to affordable, quality health care for all generations; and serving as a reliable information source on issues critical to people over the age of fifty.

AARP Hawaii believes further study is needed before imposing new restrictions on Aging-In-Place facilities (AIPs) and home health & home care service providers. Subjecting AIPs and home health & home care agencies to new inspection and transfer requirements of the Department of Health could lead to unintended consequences, including having long-term care recipients in these AIPs to be displaced against their wishes and/or long-term care recipients losing their choice to have home health & care services provided to them at their place of residence. We believe more discussion is needed to fully understand the impacts of legislation on the supply and cost of long-term care facilities and services.

Thank you for the opportunity to present this testimony on H.B. No. 1911.

Kerry M. Komatsubara, Advocacy Director, AARP Hawaii



To: Representative John M. Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair
Committee on Health and Human Services

FROM: Sarah Suzuki, MBA, BSN, RN
Managing Partner, Blue Water Resources, LLC
94-408 Akoki Street Suite 202
Waipahu, Hawaii 96797
(808) 678-3661 Office
(808) 678-3662 Fax

HEARING DATE: Thursday, January 25, 2018 (09:00 AM, Room 329)

RE: **Relating to Health HB1911- Care Facilities, Uncertified,
Unlicensed, Enforcement**

My name is Sarah Suzuki. I have been a registered nurse for over 25 years and a community case manager for over 16 years. I am the past-President of the Case Management Council and continue to be an active member. The Case Management Council is comprised of agencies who provide case management services to the aged, blind, and disabled population.

We have expressed our concern about the growing number of unlicensed homes in the past two years to the State. All of us, at one point or another, have experienced the phone call from a caregiver who reports that they decided to cease operating their foster home because of an "emergency." The Case Managers provide them with support and encourage them to stay open, only to find that a few weeks later, they opened an unlicensed home. The typical scenario would be that the Medicaid client is displaced and quickly relocated elsewhere while the Private pay client is lured to stay with the caregiver who has opted to operate an unlicensed home.

The local news highlights how some of the unlicensed homes are operators who had their certificates revoked by the State. But many of the operators who chose not to renew their certificates were also good caregivers. Over the last two years, we have lost many good caregivers.

While some may argue that our current system has flaws, there are benefits to our Kupuna. Those benefits include, but are not limited to: State licensed providers, State certified and licensed facilities or homes, oversight, and monitoring.

If this continues, we will see a rapid decline on available beds, especially for the vulnerable Medicaid clients. Who, then would, care for our Kupuna who really need the help? We ask you to help us fix this growing issue.

Thank you for the opportunity to provide this testimony.

HB-1911

Submitted on: 1/24/2018 3:17:52 PM

Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
evelyn isabelo	BIAFHO	Support	No

Comments:

I strongly support HB 1911. House bill against opening illegal carehomes.

**HAWAII
PACIFIC
HEALTH**

WILCOX
MEDICAL CENTER 

January 25, 2018 at 9:00 a.m.
Conference Room 329

House Committee on Health & Human Services

To: Representative John Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

From: Jen Chahanovich
CEO, Wilcox Medical Center

Re: Testimony in Support – HB 1790

My name is Jen Chahanovich and I am the chief executive officer of Wilcox Medical Center. Founded in 1938, Wilcox Medical Center is a not-for-profit hospital dedicated to providing the Kaua'i community with accessible, quality health care. Wilcox is the largest medical facility on Kaua'i and has been recognized as one of the nation's best small hospitals. With 185 physicians on staff, Wilcox Medical Center offers island residents and visitors expert diagnosis and treatment for more than 22 specialties. It is a state-of-the-art acute care facility with a full suite of services including emergency, OB/GYN, pediatrics, cardiology, gastroenterology, ophthalmology, pulmonology, nephrology, orthopedics, neurology, internal medicine and family practice.

I am writing in **support** of HB 1790 which appropriates funds for a 24 hours a day, 7 days a week ambulance unit for the County of Kaua'i, including equipment, supplies, and personnel costs. Timely access to life-saving health care is essential for our community. The availability of ambulances and emergency medical personnel are critical components in making sure patients are transported to hospitals as quickly as possible and greatly improves outcomes. The appropriation provided in this measure will enhance the delivery of emergency medical services and remove some of the barriers to obtaining needed services.

Thank you for the opportunity to testify.

HB-1911

Submitted on: 1/22/2018 10:58:37 PM

Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Foster		Support	No

Comments:

Mahalo,

Scott Foster, Chair

The Kupuna Caucus of the Democratic Party of Hawai`i



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COMMITTEE ON HEALTH AND HUMAN SERVICES

Thursday January 25, 9 a.m. Room 329
HB1911, Relating to Health

TESTIMONY

Beppie Shapiro, Legislative Committee, League of Women Voters of Hawaii

Chair MIZUNO Vice-Chair KOBAYASHI, and Committee Members:

The League of Women Voters of Hawaii supports HB1911 (with one amendment), that allows the Department of Health (DOH) to inspect locations reported to DOH to be operating as unlicensed or uncertified care homes or persons/entities reported to be operating such a care facility; allows the Department of Health to select and implement appropriate consequences; and prohibits licensed health providers from referring patients to unlicensed care facilities.

It seems that there are many unlicensed/uncertified ("illegal") care homes in Hawaii, perhaps as many as 200 according to Representative John Mizuno. Licensing and certification and, even more important, the inspections which should follow these processes, are a layer of protection for people receiving services in these facilities and are reassuring for family members/guardians concerned with their care. These processes do not guarantee high quality but they set a minimum bar for staffing, cleanliness, nutrition etc.

All of us would hope that if and when we need nursing facility care we will get that care in a facility which meets these standards.

The discretion permitted to the DOH will, we hope, result in oversight of existing and future unlicensed care facilities.

Suggested amendment: DOH will need additional staffing (i.e.funds) to carry out these new responsibilities, and funds for this purpose should be added to this bill.

Thank you for the opportunity to submit testimony.



Testimony on HB 1911
Hearing Date: January 25, 2018
9:00am Room 324

Raelene Tenno
POBox 283195
Honolulu, Hawaii 96828

Aloha,
Thank you for allowing testimony on HB 1911 relating to Care home/facility investigations.

The picture above is my Uncle and Aunty. Uncle passed December 2007 at 87 years old and Aunty in October 2010 at 91 years old.

Uncle had fallen, was hospitalized then sent to Hale Nani for rehabilitation and then released to go home. He never really recovered from the fall as he was bedridden. It was discovered he had long term care insurance that he had been paying since the 1990's through HMSA at a cost of approx. \$150.00 per month premiums. We found out it paid out \$80.00 per day for care assistance and some for home modifications such as wheel chair ramp.

In our search for a home care provider, we found Visiting Angels. It was within the budget plus a bit more for care of 4 hours per day in the morning. At this point in time I was checking on them at least once per day and would go to their home in the evenings to assist with meals. Visiting Angels was willing to provide the care of showering, changing bedding, his toileting needs and watching him for the 4 hours.

I had gone out of town for 5 days for work. I went to the house at about 2pm to discover the Visiting Angel person and her supervisor hovering over him on the bed. They claimed that he had blood in his diaper from the time they arrived in the morning, took him to the shower and back to bed. Throughout the day, he still was bleeding.

Instead of calling me directly upon seeing the blood, they kept changing him. When I discovered this I immediately called 911 for admittance to ER. I asked the ambulance to save his diaper so that it could be shown to the ER doctor. Somehow that got missed and it took the Straub ER doctor a lot of convincing that he was bleeding into his diaper.

Really! I described it as him having a period. It was that much blood.

After several hours, he finally came back with test results and he was admitted.

It was that day I discovered he had sores on his legs and feet.

The assigned Straub Hospital Doctor diagnosed him with a blood infection most likely contracted while in Hale Nani and it was something that was in the news.

I then called my husband and asked him to take the bed to the dump, then take his clothes and burn it.

He took the photos below of the bed. As you can see he was bleeding badly that it went thru the box spring.



Although this bill is for care facility, I encourage the committee to consider amending this bill to include any care provider that provides care in a facility or private residence.

My Uncle lived a full life, but it haunts me every day that he perhaps died in pain...

Mahalo for this opportunity to submit this testimony.

Raelene Tenno

LATE

HB-1911

Submitted on: 1/24/2018 1:57:22 AM

Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sarah Yuan		Comments	No

Comments:

Aloha Chair John Mizuno, Vice Chair Bertrand Kobayashi, and members of the Committee on Health and Human Services.

I support the intent of HB1911. However, there are two areas to be addressed in the bill: (1) provide sufficient resources for DOH to conduct investigation and related work as described in the bill; (2) ensure the safety transfer of residents in the affected unlicensed care homes to an appropriate care setting of their choice.

Thank you for the opportunity to testify.

Sarah Yuan, PhD

LATE

HB-1911

Submitted on: 1/24/2018 10:39:40 AM

Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Maria E. Cariaga	CCFFH	Support	No

Comments:

Good morning, I am in support of this HB1911 for the sake of our Kupunas and the Health Care Industry' Thank you for allowing me to submit my testimony.

LATE

HB-1911

Submitted on: 1/24/2018 3:37:25 PM
Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elsa Galanto		Support	No

Comments:



CARING ACROSS GENERATIONS

**Chair John Mizuno
Vice Chair Bertrand Kobayashi
House Committee on Health and Human Services**

January 25, 2018

TESTIMONY IN SUPPORT OF HB 1911, RELATING TO HEALTH

My name is Pedro Haro, and I wish to testify on behalf of Caring Across Generations in support of House Bill 1911.

Caring Across Generations is a national movement of families, caregivers, people with disabilities and aging Americans working to transform the way we care in this country, calling for policy solutions that enable all of us to live and age with dignity and independence. Caring Across Generations has worked with partners in Hawai'i for years in support of legislation that will help make quality long-term care accessible to everyone.

As an organization, we think it's essential to ensure everyone has access to high-quality care, and regulations and oversight help make sure that workers and seniors are being treated fairly.

Thank you for considering my testimony.

Sincerely,

**Pedro Haro
Advocacy Director, Hawaii
Caring Across Generations
pedro@caringacross.org
808-947-2950**

LATE

HB-1911

Submitted on: 1/24/2018 5:55:04 PM
Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Maria Pinlac		Oppose	No

Comments:

I am very much against this Bill [HB#1911](#) being introduced by Rep. Mizuno. And I don't not want you to vote in support of it. Thank you very much.

LATE

HB-1911

Submitted on: 1/24/2018 6:03:33 PM
Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Maria Cecilia Tuvera		Oppose	No

Comments:

I am very much against this Bill HB#1911 being introduced by Rep. Mizuno. And I don't not want you to vote in support of it. Thank you very much.

LATE

HB-1911

Submitted on: 1/24/2018 6:12:10 PM

Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Josefina Clare Degg		Oppose	No

Comments:

I am very much against this Bill [HB#1911](#) being introduced by Rep. Mizuno. And I don't not want you to vote in support of it. Thank you very much.

LATE

January 24, 2018

Dear Representative Mizuno and Representative Kobayashi,

My name is Elsie Javier and I am a licensed foster home operator. I initially thought about starting my business straight out of high school in hopes to contribute to the community in a manner that strengthens my passion; to help those in need. I personally struggled in opening my foster home, as regulations are aplenty. I researched earnestly and understood that I needed to construct a financial safety net to avoid future challenges such as when clients are not available or when clients are in need of hospitalization. After much preparations, I opened my home in 2007. I have maintained compliance with policies and procedures as well as rules and regulations. I understood such compliance to be of vital importance as it deems to protect service providers such as myself and those seeking services, our clients.

In respect to unlicensed homes, they do not have to abide by any rules or regulations that are put forth by the government and it is cruel to the new or existing service providers, like myself, that adhere to such. In addition, the clients in illegal homes (I believe) are more susceptible to abuse and/or neglect as there would be no agencies to monitor their safety and wellbeing. State of Hawaii representatives I write to you pleading for your assistance in demising unlicensed homes, as it is detrimental not only to us, service providers but also for the clients' welfare.

Thank you for your attention to this matter.

Sincerely,

Elsie Javier MSCP, CNA
Licensed foster home operator
United Caregivers of Hawaii Recording Secretary

91-716 Kilipoe st.
Ewa Beach HI 96706

LATE

HB-1911

Submitted on: 1/24/2018 6:39:17 PM

Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
gladis simpson		Oppose	No

Comments:

I am very much AGAINST this Bill HB#1911 being introduced by Rep. Mizuno. I believe this bill will have a negative impact towards not only our Kapuna, but our community as a whole. I am against this bill and I am asking that you DON'T vote in support of it. Thank you in advance!!

LATE

HB-1911

Submitted on: 1/24/2018 7:06:24 PM
Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Maile Harada	Maile Case Management	Oppose	No

Comments:

Testimony against HB 1911

AIP Access and Investigation Bill

By Maile Harada, R.N.

Maile Case Management, LLC

As a nurse for over 20 years, a nurse case manager for over 10 years, and a Ph.D. student in performance psychology (specializing in health care performance), I feel that I have sufficient qualifications to speak on behalf of the supporters of our health care model. I am the forerunner of the Aging in Place (AIP) model of care and fully support this innovative model. As the new president of the Aging in Place Association (AIPA), I fully intend to make this model an outstanding model of care in Hawaii. Our newly-formed AIPA board of directors is currently working on the health care standards and regulations governing this model. We intend to provide full oversight and certify the AIPs who meet all of the requirements established by the board. An active list of the certified AIPs will be available to all hospital discharge planners and will eventually be on our business website.

I have read the HB 1911 (AIP Access and Investigation Bill), and I personally feel that this bill will have a harmful effect on a wonderful model being developed in Hawaii. We are expecting a tremendous growth (over 30%) of the elderly population over the next 30 years. Every year that goes by, Hawaii can expect to see continual growth in the elderly population. Many of the elderly will be above the age of 85 years old. The impact that it will have on this state is tremendous. Economically speaking, it could have devastating effects on Hawaii's economy. The AIP model of care and the AIPA (professional association that will oversee the AIP model of care), could benefit the state of Hawaii. Not only will it give our elderly additional options of places to live, but the oversight will be conducted from a private organization (thus costing the state nothing). In my professional opinion, the DOH's spending should be done in a more conservative way. With the estimated growth of the elderly population in Hawaii, funds will need to be directed toward the Medicaid program. This program will need to have the continual financial support and oversight of the DOH. The AIPs can (and should)

remain a private industry, and there is simply no reason that the oversight cannot be provided by a private organization as well. The organization that we are developing will function in this manner, and this model will provide excellent care for our elderly in Hawaii.

To further explain how this model can help Hawaii, I'll provide an example of the state government making a wise decision to subcontract care to a private company. I was a manager at Nursefinders when the Department of Education subcontracted the DOE's Medically-Fragile Children's program to us. As you can imagine, hiring nurses to work as employees of the DOE, and thus providing them with salaries and benefits, was very costly. By subcontracting the entire program to Nursefinders, the state of Hawaii saved a lot of money. The idea and concept of the AIP model of care (with AIPA oversight) is no different than the example I just provided about the DOE's Medically-Fragile Children's program.

Instead of persecuting those who want to care for the elderly and those who think in innovative and creative ways (to solve Hawaii's problems), we should work together to make a safer AIP model of care. I feel that the bill (HB 1911) gives the state too much power and invites the possibility of Civil Rights infringement. Simple put, a person has the right to live where they want to live. It would be very difficult to prove that the AIP homes are not our residents' homes. In fact, they call the AIPs their homes. A person has the right to live where they want to live. This bill will be devastating on the freedom of choice.

LATE

HB-1911

Submitted on: 1/24/2018 7:17:15 PM
Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Cisler	Individual	Support	No

Comments:

LATE

HB-1911

Submitted on: 1/24/2018 7:26:34 PM

Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
GEMMA LAU		Oppose	No

Comments:

I am against this Bill HB#1911 being introduced by Rep. Mizuno. And I don't support it.

ADULT FOSTER HOMECARE

ASSOCIATION OF HAWAII

P.O. Box 970092, Waipahu, Hawai'i 96797

LATE

January 25, 2018

RE: **HB 1911 - Testimony in STRONG SUPPORT – HHS 1/25/18 – Rm. 329 9:00 a.m.**

Dear Chair Mizuno, Vice Chair Kobayashi, and Members of the Committees:

We **STRONGLY SUPPORT HB 1911 increased enforcement and stronger measures to counteract unlicensed care homes**, which are a threat to our Kupuna and disabled.

Over the last two years, we have received an increasing number of reports from our clients and from prospective clients about “private pay” care homes that offer the services our members provide at lower costs. These unlicensed “private” homes have no oversight whatsoever. They purport to provide 24/7 care services, but there is no quality assurance. Families who are looking for care for their Kupuna are often emotional and desperate. These unlicensed “private” homes prey upon the emotions of the Kupuna and their families assuring them that they will provide a quick and easy solution. Not knowing better, Kupuna and their families often fall for the cheap price promised by these unscrupulous businesses. Many times, the unlicensed homes will not honor the promised price knowing that Kupuna and their families have little choice

Unlicensed “private” homes have no oversight by the State of Hawaii or any other party. They can claim to have experience and promise quality care, but there is no assurance their representations are authentic or genuine. Their credentials could be expired or simply bogus. These homes are not subject to mandatory criminal background checks, immunizations, and periodic inspections. This is a very dangerous situation for Kupuna and the disabled who often are unable to care for themselves.

Our members proudly operate community care foster family homes and are subject to both announced and unannounced inspections by the Department of Health. We also have case managers, fully certified Registered Nurses, that are licensed and regulated by the State of Hawaii to ensure quality of care. At least once a week Case Managers assess all of our patients, they inspect our homes and check on our patients. We are constantly being inspected to ensure high standards of care. We are even required to take continuing education each year. Unlicensed “private” homes have none of these safeguards.

As we have consistently maintained, WE CARE ABOUT OUR KUPUNA! We have come before the Legislature in the past. Some people have characterized us as greedy, but WE SIMPLY WANT THE BEST FOR OUR KUPUNA. Although we understand the financial plight that caregivers have been pushed, we must enforce the rules against these unlicensed homes. It's already hard for us financially. More and more will let their licenses expire and contract “privately” to get more money. The lack of pay increases has forced some of us to the brink, but we nevertheless stand strong against unlicensed homes. Therefore, we **STRONGLY SUPPORT HB 1911**.

Very truly yours,

Maribel Tan
President

About AFHA

The Adult Foster Home Association of Hawaii (AFHA) is the industry trade association of providers under the Community Care Foster Family Home program under the Department of Human Services, State of Hawaii. With a membership of almost 750 providers, AFHA's mission is to promote the interests of providers as well as resident clients. AFHA members provide 24-hour care to resident clients 7 days a week, 365 days a year.

LATE

HB-1911

Submitted on: 1/24/2018 8:24:11 PM

Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
maricel		Oppose	No

Comments:

I am very much against HB1911. I strongly agree that the state should not be in control where my family needs to go and get help if necessary. The reason why people worked hard all their lives is because they will choose where they want to be and choose who will take care of them.

HB-1911

Submitted on: 1/24/2018 9:01:05 PM

Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gary Yamanaka		Oppose	No

Comments:

I very much oppose the passage of bill HB1911. Please do not add more barriers to caring for parents. We need help. Thank you.

LATE

HB-1911

Submitted on: 1/24/2018 9:05:13 PM

Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Terry Nakamura		Oppose	No

Comments:

Dear Representatives,

I am strongly opposed to HB1911. My mother-in-law has dementia and has been in an aging in place home for over a year. We first looked at a licensed care home, but the monthly cost was about \$3000 more and beyond our financial ability. It also did not have the same kind of family atmosphere, where personal attention and care is given to each client. My mother-in-law, Lily Nakamura, has received excellent care, her health has improved and she is off some of her diabetic and blood pressure medications. She is always happy and is comfortable and well cared for. HB 1911 would threaten this safe, secure, nurturing environment for my mother-in-law, and I urge you to oppose this bill.

Mahalo,

Terry Nakamura

LATE

HB-1911

Submitted on: 1/24/2018 9:29:42 PM

Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dayna Nakamura		Oppose	No

Comments:

Dear Representatives,

I am writing to testify against HB1911. One year ago my family had the difficult decision to place my mom in a home. At the time of the decision she was in a medical facility, depressed, and very unhappy. I was unhappy and stressed seeing my mom so distraught every single day. However her medical condition required her to have more help than we could give at home and yet she no longer could stay at the medical facility. Therefore with the very helpful advice of the facility we were counseled to find a "home" for her. She only had a few days left in the facility so we had to work fast. I worked with an agency to find a licensed home and visited the place. It was dark, the patients were on the first floor and the caregivers lived on the second floor. At time of the visit the second caregiver was watching T.V. and didn't show much interest in us visiting. This home was a licensed care home.

We then visited another home. This home was an Aging in Place home. It was clean, bright, patients were up and visiting with us. The family lived on the same floor with the patients. Although we had to pay out of pocket...no medicad coverage. We chose this home. Since choosing this home my mom has taken a successful turn for the better. She actually is healthier and happier since moving there. She has a daily social life, she is well cared for. On multiple surprise visits to my mom an RN was found checking out the home and my mom. Since being in the AIP home my mother is off many of her meds, she is at a healthy weight and she has friends. No amount of insurance can replace the happiness we have seen this AIP home give to my mom. It would be very devastating to our family and to my mom to lose this place. This place has become a second home and family to our family. I have also been in contact with others from this home and they are all in agreement. It would be totally difficult and heartbreaking to remove my mom from her friends at this home. Please please do not vote for this bill.

Mahalo,

Dayna Nakamura

LATE

HB-1911

Submitted on: 1/24/2018 9:30:00 PM
Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew D. Smith	Andrew D. Smith LLLC	Oppose	No

Comments:

CORRECTION TO EARLIER WRITTEN TESTIMONY:

Per Maile Harada: The AIP model of care is currently being run like this:

The elderly clients are renting a room and personal care services are being provided to the client under the guidance of a RN Case Manager, The rental and the personal care services are being provided by **two separate LLC's**.

Also, with respect to the last paragraph of my earlier written testimony: I did not mean to imply that the AIP model will not be needed in the future. To the contrary, the demand for such services will be so great that AIP and like organizations will be vital to ensuring that Hawaii's seniors receive quality care.

Respectfully submitted, Andrew D. Smith

LATE

HB-1911

Submitted on: 1/24/2018 9:30:01 PM

Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
thomas		Oppose	No

Comments:

I am **against** this Bill HB#1911 being introduced by Rep. Mizuno.



Case Management Professionals, Inc.

TO: COMMITTEE ON HEALTH AND HUMAN SERVICES

Chair: Representative John Mizuno

Vice Chair: Representative Bertrand Kobayashi

Members: Representative Della Belatti

Representative Lei Leamont

Representative Andrea Tupola

LATE

FROM: Agnes Reyes

President, Case Management Professionals, Inc.

94-235 Hanawai Circle

Waipahu,, HI 96797

Tel: (808) 689-1937 ext 112

Fax: (808) 689-1933

Email: agnes@cmp-hi.com

DATE: January 25, 2018

RE: HB 1911

TESTIMONY: **IN FULL SUPPORT OF HB 1911**

My name is Agnes Reyes, a registered nurse for 35 years and the President of Case Management Professionals, Inc, a pioneer case management agency since 1999 serving the islands of Oahu, Kauai, Big Island, Maui and Molokai.

Case Management Professionals, Inc. fully supports House Bill 1911

As Hawaii's population is exponentially aging, the State of Hawaii and all its stakeholders should work together to ensure that our kupuna's health, safety and welfare are protected.

The illegal growth of unlicensed care homes has gone unnoticed for the past couple of years. Deceitfully, they call themselves "Aging in Place homes " yet clients only can stay while they are able to pay an expensive so called monthly rent fee. These homes house elderly people who are frail and need care and should either be in a nursing facility or residential care facilities. These illegal homes charge more or double the fee of a licensed facility and cater to only private paying individuals who are later kicked out to the curb once they run out of funds or abruptly transferred to a carehome or foster home where they should have been initially referred to in the first place. Therefore, these individuals do not definitely "Age in Place" and is a total misnomer. Furthermore, these homes are rapidly growing as they are solicited and fed clients by individuals or by unethical healthcare professionals who believe that licensure is not required because it is paid for by private personal funds. They forget to leave out the fact that

these individuals are dependent, fragile, elderly, blind or disabled who need care and most often need skilled nursing care like oxygen use, subcutaneous injections or even tube feedings. It is plain and simple, when you provide care to someone unrelated to you in a place other than their own home, that place has to be licensed. When you provide care or even assistance to anyone with their activities of daily living like feeding, bathing, walking, grooming and toileting, you are providing care. When one receives care in another place other than their own, IT DOES NOT CONSTITUTE a rent category, even if the argument is sending a home health personnel to provide the care component, that place is still considered a setting of care. These homes do not follow any regulations or standard of practice nor do they have capacity limits meaning one home can take as much as 10 clients. The caretakers are mostly unlicensed and do not have any requirement, that care can be provided by any random person. If they say they do, it is a moot point as there is no oversight, quality assurance or monitoring mechanism.

It is my hope that organizations who oppose legislation against unlicensed homes or request delay of its legislation continue to do their due diligence to fully understand the dynamics of care over its continuum so they do not compromise the safety of their members placed in unlicensed homes. I disagree with their suggestion of doing a study first and find other affordable living arrangements. Residential Alternative, affordable settings of care already exist in the form of care homes, expanded care homes and foster homes. The State has licensed enough facilities to support our aging population. Other options like Assistive Living Facilities and Nursing Home Facilities also are accessible. Our kupunas should be assured that if they truly are unable to afford care, there will be care under Medicaid. They should be aware that there is a coordinated transition process already in place if indeed they are found to be living in illegal homes, they will not be left homeless. Appropriate information and resources of the various options of care are available for organizations to provide to their members.

We also likewise support imposing fees and penalties to any illegal homes, facilities, agencies, individuals or even professionals who in one way or another support the referral and operation of illegal and unlicensed homes. We support authorizing the Department of Health to immediately investigate reported operating illegal homes.

As a pioneer in the home and community based industry, Case Management Professionals together with all the other case management agencies have worked hard to build the adult foster home industry and it is our responsibility to protect, uphold and preserve the standards of practice and quality of care in the community through proper licensure, regulations and oversight.

I ask the legislature for full support of this bill and to support the needs of the Department of Health in the delegation of this duty.

Thank you for this opportunity to provide testimony.

LATE

HB-1911

Submitted on: 1/24/2018 10:24:09 PM
Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
W. Flores		Oppose	No

Comments:

I am very much against this Bill #HB1911 being introduced by Rep. Mizuno. And I oppose this aforementioned Bill # HB1911. Thank you very much.

LATE

HB-1911

Submitted on: 1/24/2018 10:28:30 PM

Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
ericson calaycay		Oppose	No

Comments:

To whom it may concern,

I disagree to the bill H.B. NO. 1911 being introduced by Rep. Mizuno. And I do not want to vote in support of it.

Living in America is living in Freedom, freedom of choice and freedom to act with our own will.

It is our human right to decide; our Freedom of choice,

Aging in place is a choice

Deciding you wish to age in place means you are choosing:

- how you want to spend your [retirement](#) years
- how you want your home to be set up
- where you want to reside
- what your health care choices will be
- which types of assistance are right for you
- what your wishes are for major life events (sickness, housing transitions, financial decisions)

Making these choices gives you control over your independence, quality of life and dignity. Most importantly to note, aging in place does not mean you have to do everything yourself; that's where the plan comes in. It means you get to plan how your needs are met, who meets them and when.

No one should be dictated on how they've planned for their future. This is the right that everyone deserves. Please respect the rights of others to ensure their needs are met and wishes are respected.

LATE

HB-1911

Submitted on: 1/24/2018 10:31:47 PM
Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
L. FLORES		Oppose	No

Comments:

I am very much against this Bill # HB1911 being introduced by Rep. Mizuno. And I oppose this aforementioned Bill # HB1911. Thank you very much.

LATE

HB-1911

Submitted on: 1/24/2018 10:41:35 PM

Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
israel dioquino		Oppose	No

Comments:

I disagree to the bill HB#[1911](#) being introduced by Rep. Mizuno. I do NOT want to vote in support of it.

We placed our love ones in an "Aging in Place" home where we feel the most secured and cared for our loved ones.

Over 3.2 million adults living in nursing homes and other long term care facilities in the U.S. As many as 40 percent of all adults will enter a nursing home at some point during their lives and as the U.S. population ages, the number of nursing home residents is expected to grow. Many of these elders are well-cared for but many may be the victims of abuse.

Elder abuse, particularly when it involves a patient in a residential care facility, can be difficult to detect and for every reported case of abuse, more than five cases may go unreported.

Nursing home abuse is a serious concern and seniors who have been abused have a 300 percent greater chance of death in the 3 years following the abuse than those who aren't abused. Up to 1 in 6 nursing home residents may be the victim of abuse or neglect every year.

Hence we prefer to have our love ones in an aging in place home where we trust the people that will provide the care and services needed.

LATE

HB-1911

Submitted on: 1/24/2018 10:40:09 PM

Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Casey Suyeyoshi		Oppose	No

Comments:

I do not support Bill HB1911 introduced by Rep. Mizuno.

At the beginning of 2018 I went to school and learn the importance of care. The Omnibus Budget Reconciliation Act (OBRA); explains the right of an individual.

Omnibus Budget Reconciliation Act 1987 identified the important rights for individuals in a long term health care facility. Resident Rights indicate how residents must be treated while living in a facility. These rights includes;

- the right to participate in their own care, treatment and discharge.
- The right to refuse medication, treatment, care or restraints.
- An individual has has the legal and ethical right to direct what happens to his or her own body.
- The right to make independent choices. An individuals able to decide and make choices about their doctors, treatment and care.

Bill HB1911 takes these rights away from individuals receiving care. The freedom to make their own decision of care and where to receive them.

When I get old I want to have the ability to choose my choice of care and choose where I want to be. On the days when I am incontinence and unable to perform daily activities, I want to be comfortable, pain free and cheerful.

HB1911 takes away that choice. My freedom.

I will be highly uncomfortable if forced to be place in a facility that I did not choose. Everyone should be able to make their own decision. It's their life. It's my life. It's their decision. It's my decision.

We all know it is easy to make a decision for someone. To choose what they should wear, eat, do, and how they should spend the rest of their finals days. However this is not a game, nor playing with dolls.

This is life, and we are granted the ability to have the freedom and right to make choices of our own. Having the authority makes each and every person comfortable as they have a peace of mind of their own personal care treatment plan.

When I get old. I want to be where I want to be. To be taken care of by the people I trust. To be happily comfortable that I am well taken care of.

We deserve the quality of life. To receive the best care available. Dignity, choice and independence are important parts of quality of life.

I do not support HB1911.

HB-1911

Submitted on: 1/25/2018 1:35:58 AM

Testimony for HHS on 1/25/2018 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
John Magauran		Oppose	No

Comments:

I understand the origins of this Bill, borne out of a genuine frustration in dealing with the real world problem: housing our aged and aging population. However, this is not the direction we should be pursuing and this Bill appears to be purely punitive.

We must recognize that societal innovations or initiatives always precede the formation of official laws and regulations. The initiation or adjustments in the law are in response to societal growth, taking into account changing norms and needs.

The renowned Peruvian economist, Hernando de Soto, expounded extensively on the virtues of Western law and how it has allowed economic protection and advancement to its citizens, creating great wealth. In 2000, Mark Stone of the International Monetary Fund wrote, in describing de Soto's work, the following:

"The primary lesson of the US experience is that ignoring extralegal arrangements or trying to stamp them out – without a plan to channel those arrangements into the formal legal structure – is a strategy doomed to failure.

Instead, De Soto said, the government in these countries should uncover the existing social contracts (on property established by the poor) and integrate them into the official law.

Once governments have uncovered information on existing social contracts, they can begin the work of organizing the contracts into temporary formal statutes, comparing informal arrangements with existing formal law, and deciding how each has to be adjusted to build a common regulatory framework for all citizens. According to DeSoto, this is was how Western Law was built: 'by gradually discarding what was not useful and enforceable and absorbing what worked.'"

This Bill unfortunately fails to do this.

The State should be working at crafting a solution rather than criminalizing a perhaps imperfect way of addressing the very real problem of housing for our aged and aging population.

I agree that there is a problem, but this Bill is definitely not the solution.

Thank you for your consideration,
John Magauran, MD

Representative John M. Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair



Committee on Health and Human Services

From: Ruthie Agbayani, Vice President, United Caregivers of Hawaii
Date: Thursday, January 25, 2018, 9:00 a.m., Conference Room 329
Subject: Support for HB 1911, Relating to Health

Aloha! My name is Ruthie Agbayani; my family and I have been Community Care Foster Family Home (CCFFH) providers since 1998. We are certified by Community Ties of America (CTA), the State of Hawaii Department of Health's agency on certification and licensure, to care for up to three clients in our home, providing a family-like environment for the aging, rather than institutional nursing home settings. CCFFH is a program for Medicaid recipients, but private pay individuals can also be accepted into this program.

Aside from my family and business obligations, I volunteer my time in advocacy and lobbying with the United Caregivers of Hawaii (UCH). The mission of UCH is for caregivers, families, and communities to work together to achieve the common purpose of outstanding quality care for our kupuna.

We strongly support HB 1911, Relating to Health, which would authorize the Department of Health to investigate care facilities reported to be operating without an appropriate certificate or license issued by the Department. We also support the Department of Health's ability to establish penalties for violations and for patient referral or transfer to uncertified or unlicensed care facilities.

We need to emphasize the dangers of families placing their love ones, elderly, physically disabled, mentally challenged kupuna in unlicensed care facilities. There is no government oversight for safety and consumer protection. This is the healthcare field. And everyone should follow the law mandating licensure and healthcare management.

Unlicensed facilities are not following the rules and regulations on annual inspections, staffing requirements, criminal background checks, building and fire code requirements, primary and substitute caregiver requirements, resident rights requirements, CPR and first aid certification, TB clearance, reading and speaking English requirements, emergency procedure requirements, confidentiality requirements, medical records requirements, billing and financial record requirements, medication requirements (especially regarding the use of anti-psychotic medications), and the right of the resident to access the services of Community Care Case Management Agencies that comprise of nursing and social work coordination between client, caregiver, health care providers, and families.

In addition, unlicensed facilities are undermining the government, not only because they are not following rules and regulations set forth by the Department of Health and Human Services, but they may also be evading tax obligations by indicating to their clients and families that they are "renters who are receiving home care services." Everything needs to be fair and equal as we all work together in caring for our kupuna.

We urge the committee to pass HB 1911. Thank you for this opportunity to submit my testimony online.

LATE

HB-1911

Submitted on: 1/25/2018 3:33:02 AM

Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jo Ann Sakai		Oppose	No

Comments:

I am very much against HB#1911 being introduced by Representative Mizuno. Please do not vote in support of it.

After much heartache, prayer and critical evaluation, as I am a state licensed and nationally certified Speech Language Pathologist, I chose an aging in place home to care for my elderly father, after his recent hospitalization and rehabilitation. He has received excellent care evidenced by positive reports from his internist, ophthalmologist, and others. We visit 1-2 times per week and he is happier and calmer than he was at Maunalani or the Care Center of Honolulu, both of which have the reputation of being good facilities. **We are paying privately without government assistance and feel that we should have the right to choose this option, even if it is not licensed.** They are following state guidelines and have an RN managing his case.

There is a shortage of affordable care options, licensed care homes or facilities in Hawaii. Having a license does not guarantee appropriate care due to many factors, including limited monitoring and follow up.

At home, I currently care for my husband with Stage 4 Gastro Esophageal Cancer that has metastasized to his bones, liver, and lungs. I also care for my mother who was diagnosed with Alzheimer's Disease in 2013 and a hemorrhagic stroke in May 2017. In addition, I worked half time and cared for My father with the assistance of home care CNAs until October 2017. (Dad was diagnosed with Alzheimer's Dementia in November 2016 after multiple strokes, heart attacks, and surgical removal of a brain tumor). My father is no longer able to walk up the 15 stairs to our home and I am no longer able to care for him at home due to the severity of my husband's cancer.

If you pass this bill, I will be forced to move my father, which would be unbearable, especially at this time.

Thank you for your consideration. Please feel free to contact me with any questions.

Sincerely,

Jo Ann S. Sakai

LATE

January 24, 2018

To the Honorable Chairman and Members of the Committee on Health and Human Services:

I, Corazon Manalo is in support of the HB1911. If I placed my family in a care home I would choose the one that is certified or licensed by the Department of Health for their safety and comfort. I feel more comfortable in a legal care homes for my love ones.

Please help stop these illegal care homes to operate.

Thank you for allowing me to submit my testimony.

Respectfully,

Corazon Manalo
Corazon Manalo

LATE

January 24, 2018

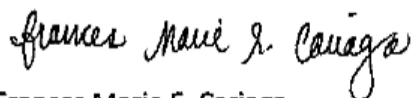
To the Honorable Chairman and Members of the Committee on Health and Human Services:

I, Frances Marie E. Cariaga, a student nurse is hereby submitting my testimony in support of the HB1911. If I placed my family in a care home I would choose the one that is certified or licensed by the Department of Health for their safety and comfort.

Please help stop these illegal care homes to operate.

Thank you for allowing me to submit my testimony.

Respectfully,



Frances Marie E. Cariaga

LATE

January 24, 2018

To the Honorable Chairman and Members of the Committee on Health and Human Services:

I, Maile Jane C. Grant is hereby submitting my testimony in support of the HB1911. If I placed my family in a care home I would choose the one that is certified or licensed by the Department of Health for their safety and comfort.

Please help stop these illegal care homes to operate.

Thank you for allowing me to submit my testimony.

Respectfully,

Maile Jane Grant

Maile Jane C. Grant

LATE

January 24, 2018

To the Honorable Chairman and Members of the Committee on Health and Human Services:

I, Joey Manalo strongly supports the HB1911. I believe that my family will be more safe and comfortable.

So lets help each other to stop these illegal care homes.

Thank you for allowing me to submit my testimony.

Respectfully,

Joey Manalo
Joey Manalo

LATE

January 24, 2018

To the Honorable Chairman and Members of the Committee on Health and Human Services:

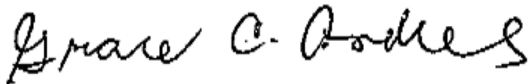
I, Grace C. Andres a Community Care Foster Family Home Operator strongly supports the HB1911.

It is unfair for us legal care homes who are following the rules and regulations and working hard for the safety of the clients we are servicing in our own residents. If these illegal care homes will continue our health care industry will be in jeopardy.

So lets help each other to stop these illegal care homes.

Thank you for allowing me to submit my testimony.

Respectfully,



Grace C. Andres

LATE

January 24, 2018

To the Honorable Chairman and Members of the Committee on Health and Human Services:

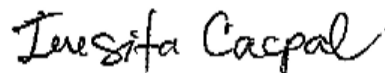
I, Teresita Cacpal a Community Care Foster Family Home Operator strongly supports the HB1911.

It is unfair for us legal care homes who are following the rules and regulations and working hard for the safety of the clients we are servicing in our own residents, if these illegal care homes will continue our health care industry will be in jeopardy .

So lets help each other to stop these illegal care homes.

Thank you for allowing me to submit my testimony.

Respectfully,



Teresita Cacpal

LATE

January 24, 2018

To the Honorable Chairman and Members of the Committee on Health and Human Services:

I, Dino Cacpal a Community Care Foster Family Home Operator strongly supports the HB1911.

It is unfair for us legal care homes who are following the rules and regulations and working hard for the safety of the clients we are servicing in our own residents, if these illegal care homes will continue our health care industry will be jeopardize.

So let us help each other to stop these illegal care homes.

Thank you for allowing me to submit my testimony.

Respectfully,


Dino Cacpal

LATE

January 24, 2018

To the Honorable Chairman and Members of the Committee on Health and Human Services:

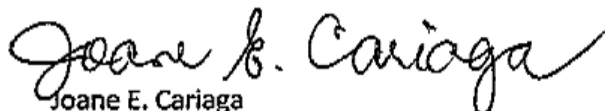
I Joane E. Cariaga a Community Care Foster Family Home Operator strongly supports the HB1911.

It is unfair for us legal care homes who are following the rules and regulations and working hard for the safety of the clients we are servicing in our own residents, if these illegal care homes will continue our health care industry will be jeopardize.

So let us help each other to stop these illegal care homes.

Thank you for allowing me to submit my testimony.

Respectfully,


Joane E. Cariaga

LATE

HB-1911

Submitted on: 1/25/2018 7:32:33 AM

Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rosemarie Valdez		Oppose	No

Comments:

I am very much against this Bill HB#1911 being introduced by Rep. Mizuno. And I don't not want you to vote in support of it. Thank you very much.

LATE

HB-1911

Submitted on: 1/25/2018 7:38:42 AM
Testimony for HHS on 1/25/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bernice Takabayashi		Oppose	No

Comments:

Please DO NOT vote for HB#1911. My mother was well taken care of until her passing last year and now my Dad is in a Aging In Place Residential Care home. We personally funded their care, as such should be able to Choose where we want them to go. No state homes were available for either of them when we needed it. I would NOT place my parents in the ones I visited. Thank you

LATE

From: Lolita Ching, MSN, RN
President/Owner of Quality Case Management Inc
President of the Filipino Nurses Organization of Hawaii






To: Committee on Health & Human Services
Representative John Mizuno –Chair

Re: HB 1911- Relating to Health for Unlicensed Care Home
Date: January 25, 2018 at 0900

My name is Lolita E. Ching and I've been a Registered Nurse for 40 years and 18 years as a Community Case Manager in the State of Hawaii. Based on the statement and presentation of this bill, **I am and together with my staff, we are fully in support for this bill.**

We believe that we have the moral and ethical duty to provide to our vulnerable KUPUNAs, the aged, blind and disabled the care that they deserve. We must ensure that their safety, health and welfare is the priority while living outside of their own homes. As a family member, lay person or health care providers, we refused to be driven by a person without a driver's license, albeit be defended by a paralegal secretary in front of the circuit court. We demand that our vehicle is driven by a licensed driver or being defended by an Attorney. So then, why are our vulnerable KUPUNAS being placed in an illegal homes? Wake up and do not be like an OSTRICH where the head is buried in the sand for quite some time. As a family member exercise your right that your love one is being cared by a licensed home under the guidelines and oversight of various State Department /Agency. It is just a matter of time. DO NOT WAIT until some harm or negative event occurs to our KUPUNA while living in an unlicensed homes. BE PROACTIVE. Your love one relies on your love and judgement to do the right thing. Be HONEST and MAINTAIN YOUR INTEGRITY. DOING THE RIGHT THING EVEN NO ONE IS WATCHING. Placing your love one in an UNLICENSED HOME is dangerous due to **NO oversight by the people or professional health care providers who follow the LAW.**

Submitted and Signed by: QCMI Office Staff

1. Lolita E. Ching 
2. Juliet Raymundo 
3. Leitisha P. Padeken 
4. Katrina Agliam 
5. Jo Faraon 

Larry Geller
Honolulu, HI 96817

HB1911

HHS

Thursday January 25, 2018

9:00 a.m.

Room 329

COMMITTEE ON HEALTH & HUMAN
SERVICES

Rep. John M. Mizuno, Chair

Rep. Bertrand Kobayashi, Vice Chair

LATE

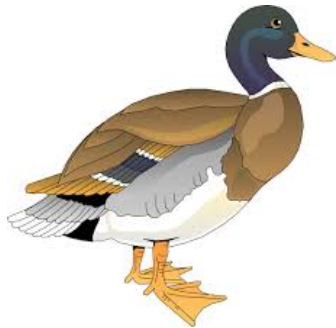
January 25, 2018

Re: HB1911 Relating to Health

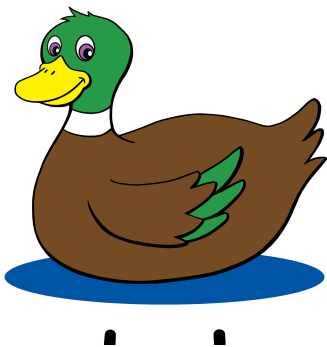
In Support with comments

Dear Rep. Mizuno, Rep. Kobayashi and members of the Committee:

You've heard the phrase "**if it looks like a duck, walks like a duck and quacks like a duck, then it's a duck**"



This is a duck



This is also a duck

Another analogy might be someone setting up an office, wearing a stethoscope and writing prescriptions who is not licensed to practice medicine. We don't hesitate to terminate that kind of operation. What is happening is instantly recognizable.

A facility operating as a licensed care home but without a license is still a care home, and there should not be any doubt or hesitation to shut it down, with appropriate penalties.

I suggest that the objective of this and any other legislation intended to enforce the existing law should be that the penalties are so sure and so adequate that facilities operating without a license will, of their own volition, promptly shut down.

In order to do that, legislation should avoid use of “may”, as in this bill, and use preferentially “shall.”

This is because I submit that we cannot count on the Department of Health rigorously enforcing the measures defined in this bill. News articles have highlighted the issue of long waits for inspection and licensing due to DOH not following the clear requirements of existing law. Another example would be legislation passed during the 2013 legislative session mandating the posting of care home inspection reports on the web starting January 1, 2015, which the DOH chose to ignore, resulting in Kokua Council very reluctantly filing a lawsuit to compel compliance.

My feeling is that the burden of enforcement should be offloaded from DOH in some way, however, I don't know what the best course would be. Perhaps the Legislature could debate and determine language that will result in prompt and sure action on the ground after the bill becomes law.

--Larry Geller
Honolulu

**To: Representative John M. Mizuno, Chair Representative Bertrand Kobayashi,
Vice Chair Committee on Health and Human Services**

LATE

**FROM: Wannette Gaylord
ARCA President**

HEARING DATE: Thursday, January 25, 2018 (09:00 AM, Room 329)

**RE: Relating to Health HB1911- Care Facilities, Uncertified, Unlicensed,
Enforcement**

My name is Wannette Gaylord. I have been a caregiver for over 20 years and a licensed Care Home Operator for over 10 years. I am the current President of ARCA, Association of Residential Care home Administrators representing over 200 Licensed Care Homes. Our organization is distraught about the overwhelming number (almost 300) unlicensed homes in our State. Certified foster homes/Licensed care homes are choosing to close or being “forced” to close due to revocation of their license, then opening a few weeks later as an uncertified/unlicensed Care home sometimes displacing Medicaid clients. We, as State licensed providers have oversight and monitoring to ensure the safety and wellbeing of our fragile kupuna. We maintain many requirements to uphold the law.

I humbly ask for your help to fix this growing problem.

Thank you for the opportunity to provide this written testimony in STRONG SUPPORT of HB1911, and I wish I could have been there in person to give my oral testimony, but I am a hands on operator.

Mahalo,

Wannette Gaylord

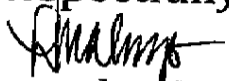
Testimony in Strong Support of HB1360-HMS
January 25, 2018 @9:00 A.M. Rm 329

To the Honorable members of the Committee:

I, Lemelyn Maluyo **Strongly support HB1911 Care Facilities; Uncertified; Unlicensed; Enforcement**

Authorizes the Department of Health to investigate care facilities reported to be operating without an appropriate certificate or license issued by the Department. Establishes penalties for violations and for patient referral or transfer to uncertified or unlicensed care facilities.

Respectfully,


Lemelyn Mabuti

**Testimony in Strong Support of HB1360-HMS
January 25, 2018 @9:00 A.M. Rm 329**


To the Honorable members of the Committee:

**I, Mila Burcena Strongly support HB1911 Care Facilities;
Uncertified; Unlicensed; Enforcement**

Authorizes the Department of Health to investigate care facilities reported to be operating without an appropriate certificate or license issued by the Department. Establishes penalties for violations and for patient referral or transfer to uncertified or unlicensed care facilities.

**Thank you for allowing me the opportunity to Testify IN
SUPPORT OF HB1911**

Yours truly,


Mila Burcena, Caregiver