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February 7, 2018

TO: The Honorable Representative John M. Mizuno, Chair
House Committee on Health and Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 2450 – RELATING TO HOSPICE HOMES**

Hearing: Wednesday, February 7, 2018, 10:30 a.m.
Conference Room 329, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) opposes this measure and offers comments.

PURPOSE: The purpose of the bill is to include hospice homes operated by a hospice service agency as a state-licensed or state-certified care facility subject to the Department of Health (DOH) inspections, and requires DOH is to license hospice services agencies and to post hospice home inspections on DOH's website.

DHS provides the following comments and relevant information:

Sections 4, 5, and 6: The proposed amendments delete the term "health" in sections 457A-1 .5, 457A-3, and 457A-8, Hawaii Revised Statutes (HRS), when referencing state-licensed or state-certified health care settings. DHS is opposed to the deletion of the term "health" in these sections because the requirements pertain specifically to nurse aide certification and recertification which DHS and the Department of Commerce and Consumer Affairs (DCCA) are responsible for implementing. Section 457A-1(b), HRS, states that nurse aides working in state-licensed or state-certified health care settings are to be certified for consumer safety and held to the same standards of competency and evaluation appropriate for these settings.

The deletion of the word "health" as it pertains to state-licensed or state-certified care settings exempts the care settings from the definition of "healthcare facility" found in section 321-15.2, HRS, Background Checks. The consequence is that the care facilities will not be required to have their employees submit background checks for the facility to retain its license or certificate from DOH. Section 321-15.2(i), HRS, specifically states that background checks are for the: "sole purpose of determining whether an applicant, operator, direct patient access employee, or adult volunteer at a healthcare facility, or, in the case of a facility operated in a private residence, any adult living in the home other than the clients is suitable for working or living in close proximity to residents of a healthcare facility such that the health, safety, and welfare of the residents would not be at risk."

DHS recommends that no changes be made to HRS sections 457A-1 .5, 457A-3, and 457A-8.

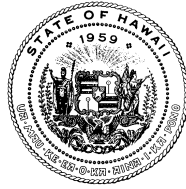
Section 1 and 2: As a house keeping measure, we recommend that the term "health" be added to section 321-1.8 (a) HRS, as follows:

"(a) The department of health shall post on its website electronic copies of reports for all inspections it performs of the following state-licensed **health** care facilities:..."

And likewise add "health" to Section 321-1.9, HRS, as follows:

"(a) ...The department of health shall conduct unannounced visits and inspections, including inspections for relicensing or recertification, for the following state-licensed or state-certified **health** care facilities..."

Thank you for the opportunity to provide testimony of this bill.



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**Testimony in OPPOSITION to H.B. 2450
RELATING TO HOSPICE HOMES.**

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

Hearing Date: Wednesday, February 7, 2018 Room Number: 329

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department appreciates the intent of this bill relating to hospice
3 homes but OPPOSES it as unnecessary. The Department defers to the Department of Commerce
4 and Consumer Affairs (DCCA) on certified nurse aides.

5 This bill will require the Department to license hospice homes, conduct unannounced
6 inspections, and post inspection reports online.

7 The Department currently licenses hospice homes as skilled nursing facilities (SNF)
8 under Chapter 94.1 Hawaii Administrative Rules (HAR). There is one (1) state licensed hospice
9 home licensed as a SNF – Hospice Hawaii, located in Kailua on Oahu. It is operated by Hospice
10 Hawaii, a Medicare certified hospice agency. This home meets the intent of the definition of a
11 hospice home since it provides 24-hour living accommodations for persons receiving hospice
12 services. Hospice Hawaii provides the Medicare certified hospice services in the home.

13 In addition, Chapter 94.1-6 HAR requires state licensed SNFs to be inspected “at least
14 annually, or at a time interval as determined by the department for relicensing (and t)he
15 department, without prior notice, may enter the premises at any time to secure compliance with
16 or to prevent violation of this chapter.”

1 Section 321-1.8 HRS on the online posting of inspection reports already requires SNFs'
2 inspection reports to be posted.

3 Finally, the Department has the regulatory structure in place to license hospice homes as
4 skilled nursing facilities to ensure patient safety and welfare in their last days. This structure has
5 worked for many years. We recommend maintaining this structure to avoid the need for a new
6 set of administrative rules for just one or a few facilities.

7 Thank you for the opportunity to testify on this bill.

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: Wednesday, February 7, 2018, 10:30 a.m., Conference Room 329
Subject: Support for HB 2450, Relating to Hospice Homes

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 2450, Relating to Hospice Homes operated by a hospice service agency as a state-licensed or state-certified care facility subject to Department of Health (DOH) inspections. HB 2450 requires DOH to license hospice service agencies, and makes conforming amendments to the certification and recertification requirements for nurse aides working in a state-licensed or state-certified care setting.

A Hospice Home can be a wonderful place for end-of-life care. Hospice patients are cared for by a team consisting of a physician, a nurse, social workers, counselors, home health aides, clergy, therapists, and volunteers. Hospice Homes provide medications, supplies, equipment, and other services related to the terminal illness.

This is the healthcare field. And everyone should follow the law mandating licensure and healthcare management. Everything needs to be fair and equal as we all work together in caring for our kupuna.

We urge the committee to pass HB 2450. Thank you for this opportunity to submit my testimony online.