

STAND. COM. REP. NO.

825

Honolulu, Hawaii

MAR 01 2019

RE: S.B. No. 1240
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Human Services, to which was referred S.B. No. 1240 entitled:

"A BILL FOR AN ACT RELATING TO MEDICAID WAIVER,"

beg leave to report as follows:

The purpose and intent of this measure is to make permanent Act 21, Special Session Laws of Hawaii 2009, which requires the Department of Health to license home care agencies, and add a licensure exemption for Medicaid waiver provider agencies providing services to Medicaid waiver participants.

Your Committees received testimony in support of this measure from the Department of Health, Easterseals Hawaii, and The Arc in Hawai'i.

Your Committees find that the Department of Health Developmental Disabilities Division operates the Medicaid Intellectual and Developmental Disabilities Home and Community-Based Services Waiver (HCBS I/DD waiver) on behalf of the Department of Human Services Med-QUEST Division. Pursuant to federal requirements to safeguard the health, safety, and rights of HCBS I/DD waiver participants, the State has implemented numerous standards, policies, and procedures pertaining to HCBS I/DD waiver program staff training and supervision.



However, your Committees find one of these state-mandated safeguards, which requires all personal care services to be performed by people who have training equivalent to the basic nurse aide course, is overly burdensome. Your Committees note that there are several types of personal care services provided under the HCBS I/DD waiver program, such as skills training, homemaking assistance, and meal planning and preparation, which are non-medical positions. Because of the nurse aide training requirement, filling these types of non-medical positions is costly and time consuming, which may impact access to services for HCBS I/DD waiver participants. Your Committees find that, given the extensive oversight of HCBS I/DD provider agencies already in place to comply with federal requirements, providing a narrow exemption for agencies that have been approved by the Department of Human Services Med-QUEST Division will ensure HCBS I/DD waiver participants receive services from qualified HCBS I/DD waiver provider agencies without unnecessary delay or increased costs.

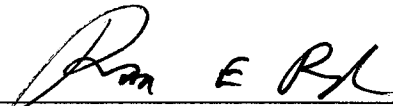
Your Committees have amended this measure by:

- (1) Clarifying that the exclusion from licensure requirements only applies to a service provider agency providing services exclusively to HCBS I/DD waiver program participants; and
- (2) 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 Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1240, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1240, S.D. 1, and be placed on the calendar for Third Reading.



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



RUSSELL E. RUDERMAN, Chair

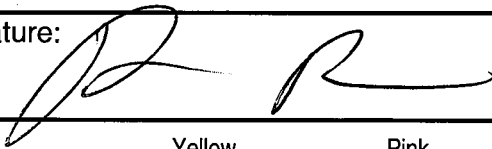


ROSALYN H. BAKER, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1240	CPH/HMS	2/20/19		
<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
BAKER, Rosalyn H. (C)	X			
CHANG, Stanley (VC)				X
KEOHOKALOLE, Jarrett				X
NISHIHARA, Clarence K.				X
RUDERMAN, Russell E.	X			
THIELEN, Laura H.	X			
FEVELLA, Kurt	X			
TOTAL	4	0	0	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
SB1240	CPH/HMS	2/26/2019		
<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
RUDERMAN, Russell E. (C)	✓			
RHOADS, Karl (VC)	✓			
IHARA, Jr., Les				✓
RIVIERE, Gil	✓			
FEVELLA, Kurt	✓			
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 File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

11