



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of HB1014
RELATING TO MEDICAID WAIVER**

REPRESENTATIVE JOY A. SAN BUENAVENTURA, CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES AND HOMELESSNESS
Hearing Date: February 13, 2019 Room Number: 329
8:30 a.m.

- 1 **Fiscal Implications:** Will eliminate cost burden to agencies that provide services in the home
2 and community based services waiver for people with intellectual and developmental disabilities.
3 Will eliminate the need to adjust rate payments to home and community based services waiver
4 providers for certain services for people with intellectual and developmental disabilities.
- 5 **Department Testimony:** House Bill 1014 seeks to amend 321-14.8, HRS, to provide an
6 exclusion for agencies serving participants in the Medicaid home and community based services
7 waiver for people with intellectual and developmental disabilities (HCBS I/DD waiver). DDD
8 operates the waiver on behalf of the DHS-MQD, which is the State Medicaid agency.
- 9 HRS § 321-14.8 requires home care agencies to be licensed by the DOH. “Home care services”
10 as defined in HRS § 321-14.8 include but are not limited to:
- 11 (1) Personal care, including assistance with dressing, feeding, and personal hygiene to
12 facilitate self-care;
 - 13 (2) Homemaker assistance, including housekeeping, shopping, and meal planning and
14 preparation; and
 - 15 (3) Respite care and assistance and support provided to the family.
- 16 In 2018, HAR § 11-700-2 was promulgated and defined “Home care service” as “personal care or
17 homemaker services, which are provided to clients in the client’s temporary or permanent place

1 of residence.” Among services provided through the HCBS I/DD waiver are two approved
2 services called Personal Assistance Habilitation (PAB) and Residential Habilitation (ResHab).
3 PAB includes assistance or habilitative training provided in the participant’s home to enable a
4 participant to acquire, retain, and/or improve skills. ResHab provides these habilitative services
5 in licensed or certified setting. As defined, PAB and ResHab may fall within the definition of
6 personal care, which is included in the statutory and regulatory definitions of “home care
7 services” and “home care service”, respectively.

8 “Personal care aide” is further defined in HAR § 11-700-2 as “a person who has successfully
9 completed the basic nurse aide course in a state-approved nurses aide training program or an
10 equivalent course.”

11 The majority of I/DD waiver participants who live in these settings do not require nursing
12 services. The requirement for nurse aide training by all providers of services in these settings will
13 add considerable cost and burden to I/DD waiver provider agencies, which may impact access to
14 services for participants with intellectual and developmental disabilities.

15 The HCBS I/DD waiver has extensive oversight of all services as part of required participant
16 safeguards to ensure the health, safety, and rights of HCBS I/DD waiver participants and to
17 ensure services are delivered by qualified providers as required by the Centers of Medicare and
18 Medicaid Services. All I/DD providers must pass initial and ongoing monitoring against defined
19 standards to maintain their provider agreements issued by the Department of Human Services,
20 Med-QUEST Division.

21 The proposed amendment to § 321-14.8, HRS is intended to provide a narrow exclusion for
22 agencies that are approved by DHS-MQD to serve HCBS I/DD waiver participants. This will
23 ensure that HCBS I/DD waiver participants continue to have access to services from qualified
24 HCBS I/DD waiver provider agencies without unnecessary burden.

25 Thank you very much for the opportunity to testify.

1 **Offered Amendments:** In order to clarify that the requested amendment applies exclusively to
2 participants of the HCBS I/DD waiver, and not to other populations we offer the following
3 amendment:

4 On page 3, line 14, add the word “exclusively” so that paragraph 2 reads as follows:

5 (2) Exclusively to participants in the medicaid home and community based services waiver,
6 pursuant to section 1915(c) of the Social Security Act, by an agency approved by the department
7 of human services, med-quest division.”

HB-1014

Submitted on: 2/12/2019 4:19:30 PM

Testimony for HSH on 2/13/2019 8:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michele Ku	Individual	Support	No

Comments:

The Arc of Kona supports HB1014 which exempts service provider agencies that participate in the medicaid home and community based services waiver for people with intellectual and developmental disabilities (HCBS I/DD waiver) from home care licensing requirements. The Arc of Kona provides I/DD wavier services island wide on the Big Island. We believe this bill is necessary as the current administrative rules require all individuals providing a home care service complete a basic nurse aide course as approved by the state. Home care service includes I/DD waiver services such as personal assistance/habilitation (PAB) which would require a large number of our direct support employees to complete the basic nurse aide course. Most of the I/DD participants receiving "home care services" do not have nursing needs. In addition, this training adds costs and other burdens to our agency which has the propensity to impact access to and the continuity of services for the individuals we serve.

Michele Ku, President/CEO