

**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
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**Testimony in SUPPORT of SB1240 SD1 HD1  
(RELATING TO MEDICAID WAIVER)**

REPRESENTATIVE SYLVIA LUKE, CHAIR

HOUSE COMMITTEE ON FINANCE

Hearing Date: MARCH 29, 2019  
2:30 p.m.

Room Number: 308

- 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:** This measure proposes 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 HCBS I/DD waiver on behalf of the Department of Human Services, Med-QUEST  
9 (DHS-MQD), the State Medicaid agency. It also makes permanent the provisions in Act 21,  
10 Special Session Laws of Hawaii 2009, as amended by Act 125, Session Laws of Hawaii 2014, by  
11 removing the sunset date of June 30, 2019.
- 12 HRS § 321-14.8 requires agencies providing home care services to be licensed by the DOH.  
13 “Home care services” as defined in HRS § 321-14.8 include but are not limited to:
- 14 (1) Personal care, including assistance with dressing, feeding, and personal hygiene to  
15 facilitate self-care;
- 16 (2) Homemaker assistance, including housekeeping, shopping, and meal planning and  
17 preparation; and
- 18 (3) Respite care and assistance and support provided to the family.

1 Hawaii Administrative Rules (HAR) § 11-700-2 defines “home care service” as “personal care or  
2 homemaker services, which are provided to clients in the client’s temporary or permanent place  
3 of residence.” HAR § 11-700-6(b) requires that personal care services be performed by personal  
4 care aides, who are defined in HAR § 11-700-2 as “a person who has successfully completed the  
5 basic nurse aide course in a state-approved nurses aide training program or an equivalent  
6 course.”

7 Services provided through the HCBS I/DD waiver include two CMS-approved services called  
8 Personal Assistance Habilitation (PAB) and Residential Habilitation (ResHab). PAB provides  
9 assistance or habilitative training provided in the participant’s home to enable a participant to  
10 acquire, retain, and/or improve skills. ResHab provides these habilitative services in licensed or  
11 certified setting. As defined, PAB and ResHab may fall within the definition of personal care,  
12 which is included in the statutory and regulatory definitions of “home care services” and “home  
13 care service”, respectively.

14 The majority of I/DD waiver participants who live in licensed or certified residential settings or  
15 at home do not require nursing services. The requirement for nursing certifications for all  
16 providers of services in these settings will add considerable cost and burden to I/DD waiver  
17 provider agencies, which may impact access to services for participants with intellectual and  
18 developmental disabilities if fewer direct care staff are willing to provide these services.

19 The HCBS I/DD waiver has extensive oversight of all services as part of required participant  
20 safeguards to ensure the health, safety, and rights of HCBS I/DD waiver participants and that  
21 services are delivered by qualified providers as required by the Centers of Medicare and  
22 Medicaid Services. All I/DD providers must pass initial and ongoing monitoring against defined  
23 standards to maintain their provider agreements issued by the DHS-MQD. Delegated nursing  
24 tasks are provided under a nurse delegation agreement plan through a service called Training and  
25 Consultation by a Registered Nurse or by an RN service supervisor.

26 This measure is intended to provide a narrow exclusion for agencies that are approved by DHS-  
27 MQD to serve HCBS I/DD waiver participants, which will ensure that HCBS I/DD waiver

- 1 participants continue to have access to services from qualified HCBS I/DD waiver provider
- 2 agencies without unnecessary burden.
- 3 Thank you very much for hearing this measure and for the opportunity to testify.



Responsive Caregivers of Hawaii  
91-1241 Saratoga Avenue, Building 1924  
Kapolei, Hawaii 96707

*A private, non-profit organization*

March 12, 2019

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

FROM: Michael P. Marsh, MA, CFRE  
President/CEO

SUBJECT: SB1240  
Testimony for Hearing on 3-20-19

Responsive Caregivers of Hawaii (RCH) supports SB 1240 which exempts service providers that participate in the medicaid home and community based services waiver for people with intellectual and developmental disabilities from home care licensing requirements. RCH provides ID/DD Waiver services for the island of Oahu. We believe this bill is necessary because the majority of I/DD waiver participants who live in licensed or certified residential settings or at home do not require nursing services. The requirement for nursing certifications by all providers of services in these settings will add considerable cost and burden to I/DD waiver provider agencies, which may impact access to services for participants with intellectual and developmental disabilities.

RCH a non-profit organization with locations in Kapolei, Kapalama, Aiea and Dillingham. Responsive Caregivers of Hawaii is committed to empowering self-directed choices and expanded opportunities for adults with developmental disabilities and others with special needs.

We understand the joys and challenges of having a loved one with disabilities and that's why we exist, to serve individuals with intellectual and development disabilities and their loved ones and families. Our generous-spirited, dedicated and talented staff deliver high quality, person-centered services for each of our program participants.

Our aim is to expand opportunities for people to fully participate in community life, to discover their talents, cultivate their interests, nurture their skills and interests, and actualize their joy and the fullness of their lives. We strive to facilitate opportunities for families, caregivers and natural supports – as a community - to learn, share and experience together to fully support each person's needs.

Mahalo for the opportunity to submit comments.

## Testimony on SB 1240 SD1 HD1

### **Easterseals Hawaii supports SB 1240 SD1 HD1 which would provide an exclusion for agencies serving participants in the Medicaid HCBS I/DD waiver.**

Easterseals Hawaii provides individualized, family-centered services to empower people with disabilities or special needs to achieve their goals and live independent, fulfilling lives. We have been serving special needs children, youth, and adults for 70 years and provide more than 500,000 hours of direct service annually to individuals and families across the state. Our clients, organization, and many other service providers will be directly affected by SB 1240 SD1 HD1.

This measure proposes to amend 321-14.8, HRS, to provide an exclusion for agencies serving participants in the Medicaid home and community-based services waiver for people with intellectual and developmental disabilities (HCBS I/DD waiver) without which all workers providing Personal Assistance Habitation (PAB) and Residential Habilitation (ResHAB) would need nursing certifications.

Providers give much needed assistance to people with disabilities and already must meet defined standards to maintain their provider agreements issued by the DHS-MQD. Most I/DD waiver participants who live in licensed or certified residential settings or at home do not require nursing services. The requirement for nursing certifications is unnecessary and would add considerable cost and burden to direct service workers and provider agencies, impacting access to services for people with I/DD.

Thank you very much for allowing us to submit testimony on behalf of SB 1240 SD1 HD1.

Respectfully submitted,



Jennifer La'a  
CEO, Easterseals Hawaii



*Achieve with us.*

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**Testimony in SUPPORT of SB 1240 SD 1  
Relating to Medicaid Waiver**

Committee on Finance  
Representative Sylvia Luke, Chair  
Representative Ty J.K. Cullen, Vice Chair

Hearing Date: March 29, 2019; 2:30pm

Room Number: 308

Honorable Representatives:

The Arc in Hawaii supports SB 1240 SD 1 which exempts service provider agencies that participate in the Medicaid Home and Community Based Waiver for individuals with intellectual and developmental disabilities (HCBS ID/DD waiver) from home care licensing requirements.

The Arc in Hawaii, a private non-profit agency, provides services to individuals with intellectual and developmental disabilities (ID/DD) and their families across Oahu. Together with its national and neighbor-island Arc affiliates, The Arc in Hawaii promotes and protects the rights of people with ID/DD and actively supports their right to be included and fully participate in the community throughout their lifetime.

The current administrative rules require all individuals who provide “home care services”, complete a state approved basic nurse’s aide course. “Home care services”, as currently defined, includes waiver services such as Personal Assistance Habilitation (PAB) and Residential Habilitation (ResHab). This would require that all of our direct service workers take this course. But, the reality is that most of our waiver participants do not need nursing services.

While the added certification may be nice to have, it is not needed and with the current job market situation in Hawaii, The Arc in Hawaii fears that additional requirements will only lesson our ability to fill our positions.

The Department of Health DD Division monitors us very closely and ensures that we are giving the care that is needed to our individuals. At The Arc in Hawaii, we strive to provide ample training opportunities for our staff based on the specific needs of our participants. We humbly ask you do not add yet another “requirement” to the plethora of requirements we already have to comply with.

Lastly, our current DD Waiver rate schedule does not address the additional certification costs and as such, this added training will add more costs to our operation, which will add additional burdens to our organization.

We urge the passage of SB 1240 SD 1.

Thank you very much for allowing us to submit testimony.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lei Fountain', with a long horizontal flourish extending to the right.

Lei Fountain  
Executive Director



MAILING ADDRESS

P.O. Box 127  
Kealahou, HI 96750

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HILO

1990 Kinoole Street

KAPAAU

54-3885 Akoni Pule Hwy

OCEAN VIEW

92-1804 Keaka Parkway

Federal ID

99-0108896

To: Representative Sylvia Luke, Chair  
Representative Ty J.K. Cullen, Vice Chair  
Committee on Finance

Date: March 29, 2019, 2:30 pm, Room 308

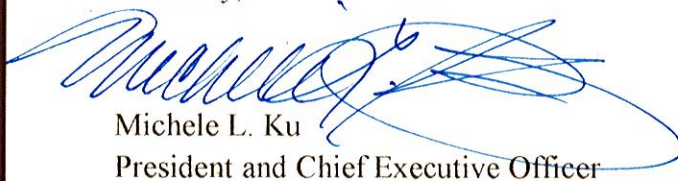
RE: SB 1240, SD1, HD1  
Relating to Medicaid Waiver

The Arc of Kona supports SB 1240, SD1, HD1 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, a private non-profit organization, provides services to individuals with intellectual and developmental disabilities throughout the Island of Hawaii. The Arc of Kona promotes and protects the rights of people with I/DD and actively supports their right to be included and fully participate in the community throughout their lifetime.

We believe this bill is necessary as the current administrative rules require all individuals providing a home care type of service complete a basic nurse aide course as approved by the state. Home care services include I/DD waiver services such as personal assistance/habilitation and residential habilitation 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. The Department of Health, Developmental Disabilities Division monitors us very closely and ensures that we are providing quality care and services to our individuals. 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.

Thank you very much for allowing us to submit testimony.

Sincerely,



Michele L. Ku  
President and Chief Executive Officer



The  
**Arc of Kona**  
www.arcofkona.org

*"Expanding the Possibilities"*  
*"Ho'o Nui Ka Hiki"*