



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of SB 1240, SD1
RELATING TO MEDICAID WAIVER**

REPRESENTATIVE JOY SAN BUENAVENTURA, CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES & HOMELESSNESS

Hearing Date: March 20, 2019
8:45 a.m.

Room Number: 329

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), which is the State Medicaid agency. It also makes permanent the provisions in
10 Act 21, Special Session Laws of Hawaii 2009, as amended by Act 125, Session Laws of Hawaii
11 2014, by 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.

19 Hawaii Administrative Rules (HAR) § 11-700-2 defines “home care service” as “personal care or
20 homemaker services, which are provided to clients in the client’s temporary or permanent place

1 of residence.” HAR § 11-700-6(b) requires that personal care services be performed by personal
2 care aides, who are defined in HAR § 11-700-2 as “a person who has successfully completed the
3 basic nurse aide course in a state-approved nurses aide training program or an equivalent
4 course.”

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

12 The majority of I/DD waiver participants who live in licensed or certified residential settings or
13 at home do not require nursing services. The requirement for nursing certifications by all
14 providers of services in these settings will add considerable cost and burden to I/DD waiver
15 provider agencies, and may impact access to services for participants with intellectual and
16 developmental disabilities.

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

22 This measure is intended to provide a narrow exclusion for agencies that are approved by DHS-
23 MQD to serve HCBS I/DD waiver participants. This will ensure that HCBS I/DD waiver
24 participants continue to have access to services from qualified HCBS I/DD waiver provider
25 agencies without unnecessary burden.

26 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.

SB-1240-SD-1

Submitted on: 3/18/2019 3:06:24 PM

Testimony for HSH on 3/20/2019 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michele Ku	Arc of Kona	Support	No

Comments:

The Arc of Kona supports SB1240, SD1 which exempts service provide 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 waiver 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 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. 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

SB-1240-SD-1

Submitted on: 3/19/2019 10:04:53 AM

Testimony for HSH on 3/20/2019 8:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
James Kilgore	Full Life	Support	No

Comments:

Full Life supports SB 1240 which exempts DOH-DDD service providers providing Home and Community Based Services (HCBS) from certain nursing aide course requirements. Full Life serves many people through the HCBS Waiver in their homes through the Personal Assistance and Habilitation (PAB) and Residential Habilitation (RES HAB) programs who do not require nursing related services. Many of these individuals and family members are empowered to choose their own paths which often does not include a service based on medical models. Their services are based on self-determination support models. Thank you for your consideration and support. Jim Kilgore, Executive Director.