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DEPARTMENT OF HEALTH  
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WRITTEN  
TESTIMONY ONLY

**Testimony in SUPPORT of SB0235  
RELATING TO THE DEPARTMENT OF HEALTH**

SENATOR DONOVAN M. DELA CRUZ, CHAIR  
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: February 19, 2019 Room Number: 211

1 **Fiscal Implications:** Appropriates funds for operating expenses for the Department of Health  
2 (Department):

3 Section 1: \$171,534 (2019-2020) & \$375,764 (2020-2021) of general funds

4 Section 2: \$869,444 (2019-2020) & \$1,588,349 (2020-2021) of sanitation and  
5 environmental health special funds

6 Sufficient appropriations are required to assure optimal public health, and in particular  
7 for addressing community mental health issues, and environmental management.

8 **Department Testimony:** The Department strongly supports Sections 1 and 2 of this measure.

9 Section 1:

10 The Director of Health is required to protect public and environmental health through the  
11 implementation of Hawaii Revised Statutes (HRS) Chapter 342E, Nonpoint Source Pollution  
12 Management and Control, and Chapter 180C-4, Erosion and Sediment Control. Passage of this  
13 measure will fund the development of a nonpoint source (NPS) pollution control branch and the  
14 adoption and implementation of administrative rules to address NPS pollution that impacts State  
15 waters. General funds will support three positions in 2019-2020 and a total of six positions in  
16 2020-2021 to begin enforcement of the regulations. Specifically, in 2019-2020 the Department  
17 proposes creating positions and providing funding for a Program Specialist VI, an Environmental

1 Health Specialist VI, and a Planner V. In 2020-2021 the Department requests positions and  
2 funding for a Program Manager, an Environmental Health Specialist V, and an Engineer V.

3 The State increasingly faces significant pollution issues from runoff and other activities,  
4 which lead to beach closures and brown water advisories. Improving water quality through  
5 enforcement is needed to protect the health of State waters, citizens, and tourists. Staff in the  
6 NPS pollution control branch will review water pollution prevention plans, acquire and analyze  
7 water samples, conduct watershed assessments, and perform complaint investigations and  
8 enforcement of nonpoint source water pollution regulations as outlined in administrative rules  
9 developed for the NPS pollution control branch.

10 Section 2:

11 To enable the Sanitation Branch to maintain the current inspection frequency and  
12 workload per Sanitarian, 14 new Sanitarian positions are needed to keep up with National  
13 Standards. The result will be that the Sanitation Branch will have 5 Section Supervisors, each  
14 with 7 staff and a total of 35 inspectors. The present sections are too large, with each supervisor  
15 having a span of control of 10-11 employees, and there are insufficient staff to conduct the  
16 number of inspections necessary.

17 Hawaii is a tourist destination and those visiting, as well as residents, expect that food  
18 being served in restaurants and other food service establishments is safe and wholesome.  
19 Unfortunately, staffing has not kept up with the increasing number of food service  
20 establishments. The promulgation and implementation of Hawaii Administrative Rules (HAR),  
21 Chapter 11-50 and placarding in July 2014 has dramatically reduced the risk of food-related  
22 illness. With the positions requested, we will be moving towards staffing levels that will reduce  
23 the occurrence of food illness risk by nearly 50%.

24 The Sanitation Branch currently has a field inspection staff of 25 Sanitarian III and IV  
25 positions (24 filled+1 vacant - reserved for reallocation to V) and 1 Sanitarian V supervisor  
26 position to cover Oahu. The requested positions will bring the total to 5 supervisors and 35

1 inspectors. Existing fees from inspections will be adequate to cover the cost of all of these new  
 2 positions. **No general funds are required to fund these positions.** It should be noted that  
 3 restaurants and other food service establishments are paying these fees expecting that they will  
 4 be used to support the food service and sanitation program. Currently, the funds are sitting in a  
 5 special fund and are not being used.

6 Listed below is the current inventory of Department permitted food establishments (FE)  
 7 on Oahu and the corresponding number in each of the three risk categories assigned. The risk  
 8 categories enable the program to concentrate its resources on the facilities that present the  
 9 greatest public health risks due to the complexity of their food operations.

Category	Risk	Inspection Frequency Required	Number of FE	Total # of inspections required to meet National Standard
1	High	3 times/year	1720	5160
2	Med	2 times/year	2510	5020
3	Low	annual	1730	1730
Total required annually			5960	11,910

10 Compliance with the United States Food and Drug Administration Voluntary National Retail  
 11 Food Regulatory Program Standards (Hawaii has been enrolled in the Standards program since  
 12 2008), requires that a staffing level of one FTE, devoted solely to food safety, for every 280-320  
 13 inspections performed. Inspections for the purpose of this calculation include routine  
 14 inspections, follow-up inspections, compliant inspections, food illness/outbreak investigations,  
 15 risk assessment and process reviews (opening of new FE's), and other direct FE contact time  
 16 such as providing on-site training. The process requires that our inventory of FE's be grouped  
 17 into at least three risk categories based on food safety risk (accomplished with the adoption of  
 18 HAR Chapter 11-50 in 2014).

19 The 11,910 inspections require a range of 37.2 to 42.5 FTE's to meet this standard. In  
 20 addition to regulating food service establishments, it is important to note that Sanitarians have  
 21 other non-food duties, such as inspecting and licensing swimming pools, tattoo shops, and  
 22 mortuaries. Regulatory responsibilities required under HRS Chapter 328 related to food, drugs,

1 cosmetics, bottled water, medical devices and other consumer products have been neglected over  
2 the past few years as staff from the Department's Food and Drug Branch were re-assigned  
3 responsibilities to inspect restaurants and other food service establishments. The Department is  
4 now in the process of re-establishing the Food and Drug Branch to resume the inspection of food  
5 and drug manufacturing facilities, sample agricultural commodities for pesticides, monitor the  
6 sale of prescription drugs, cosmetics, etc.

7 The 14 positions should and can be filled within the first year of the biennium as any  
8 delays in hiring will prevent the program from keeping the critical violation rate in FE's at a  
9 minimum at the proper inspection frequency. This program is the cornerstone of maintaining  
10 compliance with food safety regulations, thus reducing the risk of our residents and visitors to  
11 Hawaii from contracting debilitating and sometimes fatal food illnesses. The recent Hepatitis A  
12 outbreak at Genki Sushi sickened over 300 people and caused nearly 80 hospitalizations and one  
13 death. Food Safety is a deadly serious business.

14 Please keep in mind that the funding for all 14 positions will be through special funds  
15 supported by the regulated food industries food permit fees. No general funds are required. The  
16 Sanitation Branch's vision in garnering adequate resources is to enable the Department to re-  
17 commit staff and other existing resources to the Department's Food and Drug Branch. The  
18 Sanitation and Environmental Health Special Fund, S-340-H, has sufficient cash balance and  
19 revenue to accommodate the requested appropriation increase. FY18 revenue was \$3.2 million  
20 and is estimated to be at that level or higher in future years, since the number of food  
21 establishments continues to grow. FY18 expenditures were \$1.8 million.

22

23 Governor's Executive Budget Request:

24 Sufficient appropriations are required to assure optimal public health, and in particular  
25 for addressing community mental health issues, and environmental management. The Executive  
26 Biennium Budget (FB 19-21) for the Department of Health provides for 38.2 new general funded

1 FTE and \$13.6 M in additional general funded resources in FY20; and 168.2 general funded FTE  
 2 and \$20M in additional general funded resources in FY21. As part of our special fund request,  
 3 the department is requesting 14 new special funded FTE and an increase in special fund ceiling  
 4 of \$1.5M in FY20 and FY21 for improved food safety. Departmental requests and prioritization  
 5 are based on the Department’s core public health strategies.

6 The Department supports the Governor’s Executive Budget Request, as follows:

Fiscal Year 2020				
Act 53/18 Appropriation	Reductions	Additions	Total FY20	MOF
\$ 490,367,659.00	\$ (7,207,300.00)	\$ 24,251,995.00	\$ 507,412,354.00	A
\$ 203,699,060.00		\$ 1,484,483.00	\$ 205,183,543.00	B
\$ 87,478,064.00		\$ 41,949,009.00	\$ 129,427,073.00	N
\$ 53,891,894.00	\$ (4,045,915.00)	\$ 19,012,081.00	\$ 68,858,060.00	P
\$ 4,417,031.00		\$ 608,395.00	\$ 5,025,426.00	U
\$ 211,594,712.00		\$ 370,533.00	\$ 211,965,245.00	W
\$ 1,051,448,420.00	\$ (11,253,215.00)	\$ 87,676,496.00	\$ 1,127,871,701.00	Total
Fiscal Year 2021				
Act 53/18 Appropriation	Reductions	Additions	Total FY21	MOF
\$ 490,367,659.00	\$ (7,207,300.00)	\$ 31,070,088.00	\$ 514,230,447.00	A
\$ 203,699,060.00		\$ 2,765,344.00	\$ 206,464,404.00	B
\$ 87,478,064.00	\$ (5,552,632.00)		\$ 81,925,432.00	N
\$ 53,891,894.00	\$ (4,993,161.00)		\$ 48,898,733.00	P
\$ 4,417,031.00		\$ 612,173.00	\$ 5,029,204.00	U
\$ 211,594,712.00		\$ 370,533.00	\$ 211,965,245.00	W
\$ 1,051,448,420.00	\$ (17,753,093.00)	\$ 34,818,138.00	\$ 1,068,513,465.00	Total

7

8 Please see Exhibit A which is a copy of Tables 3 and 15 of the briefing materials as a summary  
 9 of the Department’s requested budget appropriations broken down by Program ID.

1 The Department request the Legislature’s attention for the following priorities.

2 **Recurring Base Budget Appropriations**

3 Executive Office on Aging

- 4 • Kupuna Care (base) \$4,854,305
- 5 • Kupuna Care \$3,877,063
- 6 • Kupuna Caregiver Program \$1,200,000

7 **New Appropriations Requests**

8 Health Resources Administration

9 Emergency Medical Services – Collective Bargaining Request

- 10 • The EMSIPSB FY 2020 and FY 2021 budget request included \$11,872,596 (FY 20) and  
11 \$15,040,191 (FY 21) for a mandatory union collective bargaining increase.
- 12 • The department has requested that the Executive Budget Request be amended to include  
13 this appropriation.

14 Emergency Medical Services – Recurring Other Expenses for services providers contracted to  
15 provide pre-hospital emergency medical service

- 16 • The EMSIPSB FY 2020 and FY 2021 budget request included \$2,381,815 (FY 20) and  
17 \$3,642,807 (FY 21) for other current expenses cost increases.
- 18 • The request includes, but is not limited to, costs for subcontracts, drugs/medication,  
19 insurance, rental of space, meals, uniforms, fuel, repair and maintenance, staff training,  
20 telecommunications service and equipment, utilities, indirect/administrative overhead,  
21 equipment, and motor vehicles.
- 22 • The department has requested that the Executive Budget Request be amended to include  
23 this appropriation.

24 Medical Cannabis

- 1       • As required by Act 159, SLH 2018, the Department is currently engaged in a re-  
2       organization process to integrate the Medical Cannabis Registry and the Medical  
3       Cannabis Dispensary Programs into the new Office of Medical Cannabis Control and  
4       Regulation to be managed directly under HTH595.

5   Family Health Services – Replace Funding for Family Planning Program (Title X)

- 6       • Proposed changes at the federal level restricts Hawaii’s comprehensive approach by  
7       limiting family planning services offered to women. This request will institutionalize the  
8       Hawaii Family Planning Program and solidify comprehensive family planning options for  
9       Hawaii’s men and women regardless of changes in the political environment.

10   Environmental Health Administration

- 11       • Environmental Management Division - Positions and funding for enforcement of non-  
12       point source water pollution regulations
- 13           ○ The six positions will begin implementing Hawaii Revised Statutes (HRS) §342E,  
14           Nonpoint Source Pollution Management and Control. HRS §342E was passed in  
15           1993 and DOH has not implemented the law to date.
- 16           ○ DOH has not implemented HRS §180C-4, Erosion and Sediment Control, which  
17           was passed in 1974.
- 18           ○ Under article XI, §1 of the Hawaii state constitution, DOH has a constitutional  
19           mandate under the public trust doctrine to regulate nonpoint source pollution.
- 20           ○ The federal Coastal Zone Act Reauthorization Amendments (CZARA) §6217  
21           require DOH and the Department of Business, Economic Development &  
22           Tourism (DBEDT) to develop and implement a Coastal Nonpoint Pollution  
23           Control Program.
- 24       • Sanitation Branch - Positions and funding for sanitarians and funds for improved food  
25       safety
- 26           ○ To enable the Sanitation Branch to maintain the current inspection frequency and  
27           workload to keep up with National Standards.

- 1           ○ Hawaii is a tourist destination and those visiting, as well as residents, expect that  
2           food being served in restaurants and other food service establishments is safe and  
3           wholesome.
- 4           ○ The promulgation and implementation of Hawaii Administrative Rules, Chapter  
5           11-50 and placarding in July 2014 has dramatically reduced the risk of food-  
6           related illness.
- 7           ○ With the positions requested, we will be moving towards staffing levels that will  
8           reduce the occurrence of food illness risk by nearly 50%.

9    General Administration

10   Office of Health Status Monitoring (OSHM) - Re-engineer the Vital Statistics System

- 11       • The Office of Health Status Monitoring (OHSM) is responsible for registering all vital  
12       events occurring in the State of Hawaii, which includes the registering and licensing of  
13       over 50,000 vital events and approximately 80,000 requests resulting in over 300,000  
14       certified copies annually.
- 15       • The Vital Statistics System (VSS) was developed over 20 years ago and is not  
16       supportable with today's technology and security features. The replacement of the VSS  
17       is to address security aspects of the system, improve customer service and efficiency to  
18       register and issue certified copies of Birth, Marriage and Death.

19   Office of Policy, Planning, and Program Development (OPPPD) - Add Funds for Telehealth  
20   Pilot Project

- 21       • Telehealth is one of three strategic priorities documented in DOH's strategic plan.
- 22       • This request is the third and last for the current DOH strategic planning cycle. The first  
23       pilot is in southwest Hawaii, was requested through the Governor's budget. The second  
24       is split between Wahiawa and (most likely) east Hawaii, and was a stand-alone bill  
25       offered by the WAM Chair. The third as appealed on this form, is to be statewide in part  
26       to fill pilot gaps in Maui and Kauai. DOH believes it is important to seed pilots in all



1 counties in the interest of fairness and to learn from the unique circumstances of each  
2 county.

3 Behavioral Health Administration

4 Hawaii State Hospital Forensic Building – Positions and Funding

- 5 • A new forensic building is being constructed at Hawaii State Hospital and slated to open  
6 spring 2021.
- 7 • The opening of two additional units is projected to occur during Fiscal Year 2023. To  
8 ensure quality patient care, additional direct care staff are needed to run these additional  
9 units.

10 Developmental Disabilities Division – Increase State match for Medicaid Intellectual and  
11 Developmental Disabilities (I/DD) Home and Community Based Services Waiver

- 12 • DDD requests an increase of \$7,702,000 in state funding (which will be used to match  
13 \$8,902,000 in federal funds) in fiscal year 2020 and an increase of \$5,814,000 in state  
14 funding (which will be used to match \$6,582,000 in federal funds) in fiscal year 2021.
- 15 • This funding will allow DDD to complete implementation of provider rate changes and  
16 other improvements to the I/DD Waiver program. Changes to provider payment rates and  
17 other waiver policies ensures that the State will be in continued compliance with federal  
18 requirements (with the federal government paying for more than half of the cost) and that  
19 State residents with I/DD have access to quality services.

20 Capital Improvement Projects

21 Hawaii State Hospital – Maintenance and Furniture, Fixtures & Equipment (FFE) for new  
22 forensic facility

- 23 • In FY20, \$1,920,000 is needed to replace chillers in Bldg Q. Assessment by consultant to  
24 determine the air handlers that must be replaced immediately throughout the rest of the  
25 campus.

- 1       • In FY20, \$6,525,000 is needed to purchase of furniture, fixtures and equipment for the  
2       new facility. FF&E must be provided prior to the opening of the new facility.  
3       • In FY21, \$8,997,000 is needed for Hawaii State Hospital Anti-Ligature and Other  
4       Improvements.

5       **Offered Amendments:** None.

6       Thank you for the opportunity to testify on this measure.