

Honolulu, Hawaii

MAR 22 2019

RE: H.B. No. 582
H.D. 2
S.D. 1

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

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred H.B. No. 582, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Expand the Department of Health's authority to conduct unannounced visits to adult day care centers;
- (2) Remove the notice requirement for annual relicensing inspections of adult residential care homes;
- (3) Require adult day care centers to be licensed or certified by the Department of Health;
- (4) Specify that anyone who operates a community-based foster family home, adult foster home, or adult day care center without a license is guilty of a misdemeanor;
- (5) Repeal amendments made in Act 184, Session Laws of Hawaii 2016, regarding unannounced visits and inspections of adult residential care homes and expanded adult residential care homes, that have yet to take effect;



- (6) Authorize a website forum where all state-licensed care facilities may post vacancy information in order to facilitate placement of individuals;
- (7) Establish a schedule of fees to be charged by the Department of Health to issue or renew licenses or certifications for elderly and disabled adult care facilities;
- (8) Require the Department of Health to submit a report to the Legislature on various aspects of licensure and certification fees;
- (9) Establish a caregiver and case manager compensation task force to develop recommendations for caregiver and facility compensation rates and examine existing legislation for compatibility with insurance reimbursement time frames; and
- (10) Require the Department of Health to adopt various rules related to standards for regulated facilities and fees.

Your Committee received testimony in support of this measure from United Group of Home Operators, Adult Foster Homecare Association of Hawaii, Big Island Adult Residential Care Home Operators, Big Island Adult Foster Home Operators, and five individuals. Your Committee received testimony in opposition to this measure from Hale Nohea. Your Committee received comments on this measure from the Department of Health, Department of Human Services, and one individual.

Your Committee finds that Hawaii's population aged sixty and over is projected to almost double by 2030, compared to what it was in 2000. As the aging population grows, it is becoming increasingly urgent for the State to ensure protections are in place to provide and maintain high quality care for Hawaii's elderly and disabled populations.

Your Committee has amended this measure by:

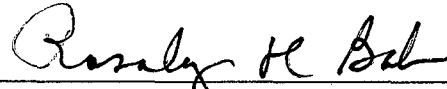


- (1) Clarifying language requiring the Department of Health to post annual reports of all inspections it performs of certain state-licensed adult care facilities;
- (2) Removing language that would have established a statutory fee schedule for licensing, certification, and renewals fees for certain facilities licensed or certified by the Department of Health and would have required the Department to submit a report regarding the newly-established fees;
- (3) Amending the composition of the caregiver and case manager task force;
- (4) Clarifying the purpose of the task force by removing references to developing a minimum compensation rate for caregivers since compensation rates are established by the United States Centers for Medicare and Medicaid Services and are not controlled by the state agencies represented on the task force;
- (5) Removing language that would have expanded caregiver criteria to all other facilities licensed or certified by the Department of Health;
- (6) Inserting an effective date of July 1, 2019, and clarifying that the amendments made to sections 321-15.6(a) and 321-15.62(a), Hawaii Revised Statutes, by this measure shall supersede the amendments made to those sections by Act 184, Session Laws of Hawaii 2016; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 582, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 582, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,

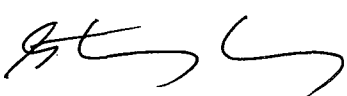


ROSALYN H. BAKER, Chair



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:		
HB 582, HD2	CPH, WAM	3/19/19		
<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)	✓			
CHANG, Stanley (VC)	✓			
KEOHOKALOOLE, Jarrett	✓			
NISHIHARA, Clarence K.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
FEVELLA, Kurt				✓
TOTAL	6			1
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