

The Thirtieth Legislature
Regular Session of 2020

HOUSE OF REPRESENTATIVES
Committee on Consumer Protection and Commerce
Rep. Roy M. Takumi, Chair
Rep. Linda Ichiyama, Vice Chair
State Capitol, Conference Room 329
Thursday, February 13, 2020; 2:00 p.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 2110, HD1
RELATING TO HEALTH**

The ILWU Local 142 **supports** H.B. 2110, HD1, which clarifies the group of professionals who are prohibited from knowingly referring or transferring patients to an uncertified or unlicensed care facility and repeals the landlord exclusion

Individuals needing the care of someone else to subsist and survive are among the most vulnerable in our society, whether they are elderly, disabled, or minors. If the care is provided by non-family members, government should step in to ensure that the care is properly and diligently provided, that the facility meets safety and health requirements, that the individuals needing care are treated appropriately, respectfully, and competently. Toward that end, care providers must be certified and/or licensed and regularly monitored by government entities.

Yet within our communities, many elderly and disabled individuals who need long-term services and supports are living in homes that are unlicensed and are sometimes little more than rooming houses. Most of these arrangements are likely run by caring individuals who mean well. Most, in fact, would like to be licensed but have been thwarted by long wait times. But the bottom line is that they should be licensed and undergo regular governmental review.

While the ILWU supports this measure in concept, we suggest that the process to license care homes and the like should be speeded up considerably. Given the need, it does not make sense for applicants to be waiting years for the licensing process to be completed.

The ILWU urges passage of H.B. 2110, HD1, but hopes that efforts will be stepped up to allow for more professionals and their homes to be licensed so they will be under government oversight and operating lawfully.

Thank you for the opportunity to provide share our views and concerns.

HB-2110-HD-1

Submitted on: 2/11/2020 9:19:31 PM

Testimony for CPC on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Maria Corazon E. Cariaga	Big Island Adult foster home operators	Support	No

Comments:

HB-2110-HD-1

Submitted on: 2/12/2020 7:57:58 PM

Testimony for CPC on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mariebeth Rodriguez	Moonlight Vista ARCH Expanded Care, Inc.	Support	No

Comments:

HB-2110-HD-1

Submitted on: 2/12/2020 9:16:40 PM

Testimony for CPC on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Maria E. Cariaga	Big Island Adult Foster Home Operators	Support	No

Comments:

On behalf of the Big Island Adult Foster Home Operators I strongly support this HB2110 HD1.

We the certified and licensed homes are strictly following the Hawaii Administrative Rules to run our businesses while the unlicensed they are operating their businesses without following any rule and regulations. It is really unfair due to the fact that they don't spend any single penny to obtain the criminal background checks and not paying their contract with the DHS .

I am hoping that this illegal homes will be stop as soon as possible. Thank you for allowing me to send my testimony.

HB-2110-HD-1

Submitted on: 2/12/2020 9:19:07 PM

Testimony for CPC on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ian Taylor	The Paperbark House Inc.	Support	No

Comments:

There are numerous reasons why unlicensed care homes should not be a staple of elderly care. Elder abuse, fraud, safety, and lack of regulation/audit are all issues that need to be addressed, and cannot be monitored in an unlicensed facility. Please consider this bill as an effort to protect our Kupuna.

HB-2110-HD-1

Submitted on: 2/12/2020 9:33:09 PM

Testimony for CPC on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benita Riingen	Big Island Adult Foster Home Association	Support	No

Comments:

To: Representative Roy Takumi
Consumer Protection and Commerce Committee Chair
Representative Linda Ichiyama
Consumer Protection and Commerce Committee Vice Chair

From: Wannette Gaylord
ARCA President

Date: February 13, 2020

Re: **HB 2110 HD1** – Relating to Health **IN STRONG SUPPORT**

I humbly request that your committee pass HB 2110 HD 1 to maintain the safety and wellbeing of our disabled and frail kupuna. The current statutes are enabling abuse and neglect to our most vulnerable population.

I believe that all facilities that perform any type of hands on care, no matter if it's for two or a thousand people, should be required to be licensed by the State of Hawaii, Department of Health to maintain the necessary standards of care for everyone. I am in strong SUPPORT of HB 2110 HD1 that will 1) Allow the Department of Health to do their due diligence in enforcing oversight, 2) Prohibit health care providers from knowingly referring or transferring patients to uncertified or unlicensed care facilities, and 3) Repeal the landlord provision in the current statute.

Mahalo for allowing me to submit my testimony in **STRONG SUPPORT of HB 2110 HD1**.



Adult Foster Homecare Association of Hawaii

P.O. Box 970092 *Waipahu, Hawaii 96797*

Email: afhahawaii@gmail.com

February 12, 2020

Testimony in Support of HB 2110 – CPC - Feb. 12, 2020, 2:30p.m., Rm. 329

Chair Takumi, Vice Chair Ichimama, and Members of the Committee:

The Adult Foster Homecare Association of Hawaii (AFHA) strongly supports HB 2110, which requires DOH to investigate care facilities reportedly operating without an appropriate certificate or license and to take action. The bill also removes the landlord exception to the law because too many people are taking advantage of this.

We need stronger laws against unlicensed care facilities, which are a threat to our Kupuna and disabled. These unlicensed “private” homes have no oversight whatsoever. They purport to provide 24/7 care services, but there is no quality assurance. They may have no training or education in providing care. Families who are looking for care for their Kupuna are often emotional and desperate. These unlicensed “private” homes prey upon the emotions of the Kupuna.

The exception for landlords created a loophole that allowed these unscrupulous providers get around the law simply by signing a lease agreement that anybody can sign. Why should you be exempted from all the requirements and all oversight simply because you are a landlord?

Please protect our Kupuna and disabled by strongly supporting HB 2110.

Very truly yours,

Maribel B. Tan
President

About AFHA

The Adult Foster Home Association of Hawaii (AFHA) is the industry trade association of providers under the Community Care Foster Family Home program under the Department of Human Services, State of Hawaii. With a membership of almost 750 providers, AFHA's mission is to promote the interests of providers as well as resident clients. AFHA members provide 24-hour care to resident clients 7 days a week, 365 days a year.

HB-2110-HD-1

Submitted on: 2/12/2020 7:49:36 PM

Testimony for CPC on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ana Jose	Individual	Support	No

Comments:

HB-2110-HD-1

Submitted on: 2/12/2020 8:01:55 PM

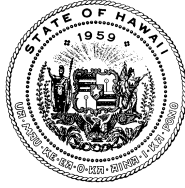
Testimony for CPC on 2/13/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
ruby jose	Individual	Support	No

Comments:

LATE

DAVID Y. IGE
GOVERNOR OF HAWAII



BRUCE S. ANDERSON, Ph.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on H.B. 2110 HD1
RELATING TO HEALTH.**

REPRESENTATIVE ROY M. TAKUMI, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Hearing Date: Thursday, February 13, 2020 Room Number: 329

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department appreciates the Legislature's support in our mutual
3 aim to safeguard the public, protect aged and vulnerable persons, and ensure quality of care by
4 requiring and enforcing that all residential care homes and other health care facilities, agencies
5 and organizations are licensed pursuant to state law.

6 The Department is actively investigating approximately 76 complaints and, to date, has
7 initiated or completed enforcement action on four (4) unlicensed facilities, with more to follow.
8 Enforcement includes immediate cease and desist orders, the transfer of residents to licensed care
9 homes or facilities, and issuing administrative penalties. To date, the Department has closed five
10 (5) facilities, and \$37,000 in fines were collected or is in the process of being collected.
11 Enforcement activities include long and arduous hours from the Department's registered nurses,
12 professional investigators, and deputy attorney general. This time is expensive and could be
13 used on the Department's other licensing activities such as on unannounced annual inspections
14 and implementation of other licensing programs. However, these enforcement activities are a

1 critical component of the state's efforts to ensure the health, safety and welfare of our *kupuna*,
2 and such actions deserve all of our support.

3 The Department supports the intent of this bill and provides the following supportive
4 comments and amendments as follows:

- 5 1. Permission versus Requirement: The Department prefers the current statutory
6 language which is permissive rather than mandatory, and that allows wider discretion
7 and in order to avoid unintended consequences. Therefore, we ask that the
8 permissive "may" be retained rather than the mandatory "shall."
- 9 2. Enforcement Actions: The Department requests the below amendments for
10 consistency between Section 321-487 HRS and Section 321-486 HRS. This language
11 also helps to avoid inadvertently omitting professions that are in the business of
12 referring vulnerable persons or families.
- 13 3. Delete Exclusion Language: The Department supports this deletion to avoid
14 confusion. The granting of discretionary authority helps to make this language
15 unnecessary.

16 Thank you for the opportunity to testify on this bill.

17 **Offered Amendments:** Replace page 3, line 5 through 15 to read:

18 "It shall be unlawful for any person, corporation, or any other entity to knowingly
19 refer or transfer patients to an uncertified or unlicensed care facility. The
20 department may impose a fine on any person, corporation, or any other entity that
21 knowingly refers or transfers patients to a care home, agency, or facility operating

- 1 without a certificate or license as required by law; provided that the fine shall be
- 2 no more than..."