

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

**Testimony in SUPPORT of H.B. 2110 HD1
RELATING TO HEALTH.**

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Hearing Date: Tuesday, March 10, 2020

Room Number: 229

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department SUPPORTS this HD1 and appreciates the
3 Legislature's support in our mutual aim to safeguard the public, protect aged and vulnerable
4 persons, and ensure quality of care by requiring and enforcing that all residential care homes and
5 other health care facilities, agencies 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 more than a half dozen unlicensed facilities, with
8 more to follow. Enforcement includes immediate cease and desist orders, the required discharge
9 or transfer of residents to licensed care homes or facilities, and issuing administrative penalties.
10 To date, the Department has closed five (5) homes or facilities, and \$40,000 in fines were
11 collected or are in the process of being collected. Enforcement activities include long and
12 arduous hours from the Department's registered nurses, professional investigators, and deputy
13 attorney general. This time is expensive and could be used on the Department's other licensing
14 activities such as on unannounced annual inspections and implementation of other licensing

1 programs. However, these enforcement activities are a critical component of the state's efforts to
2 ensure the health, safety and welfare of our *kupuna*, and such actions deserve all of our support.

3 The Department SUPPORTS this HD1 as follows:

4 1. Enforcement Actions: HD1 includes the Department's requested amendments for
5 consistency between Section 321-487 HRS and Section 321-486 HRS. This language
6 helps to avoid inadvertently omitting professions that are in the business of referring
7 vulnerable persons or families.

8 2. Delete Exclusion Language: The Department supports this deletion to avoid
9 confusion.

10 On a housekeeping note, there is a duplicated word on page 1 line 8. Please delete the
11 word "any" from the draft bill.

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

HB-2110-HD-1

Submitted on: 3/8/2020 11:41:16 AM

Testimony for CPH on 3/10/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marjorie Racpan	Testifying for ARCA	Support	No

Comments:

The Thirtieth Legislature
Regular Session of 2020

THE SENATE

Committee on Commerce, Consumer Protection and Health

Senator Rosalyn H. Baker, Chair

Senator Stanley Chang, Vice Chair

State Capitol, Conference Room 229

Monday, March 10, 2020; 9:30 a.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.

Furthermore, as intended in the original bill, we believe HD1 should be amended to require the Department of Health to conduct investigations of complaints of unlicensed, uncertified care facilities. If the law allows action to be permissive (“may” rather than “shall”), these facilities will likely continue to remain unchecked, thus potentially leaving vulnerable adults at risk.

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 and to require the Department of Health to investigate complaints of unlicensed care facilities. Thank you for the opportunity to share our views and concerns.

HB-2110-HD-1

Submitted on: 3/9/2020 8:23:58 AM

Testimony for CPH on 3/10/2020 9:30:00 AM

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

Comments:

On behalf of our association I strongly support this bill.

Thank you for allowing me to support this bill

HB-2110-HD-1

Submitted on: 3/8/2020 3:57:35 PM

Testimony for CPH on 3/10/2020 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dale	Individual	Support	No

Comments:

Aloha:

Please pass this common sense bill as it goes to protect our elderly population, to whom we owe so much.

Dale Head (808) 228-8508 sunnymakaha@yahoo.com

To: Senator Rosalyn Baker
Commerce, Consumer Protection and Health Committee Chair
Senator Stanley Chang
Commerce, Consumer Protection and Health Committee Vice Chair

Fax Number: 586-6071/586-8426

From: MERLYNE LIM

Date: March 8, 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 hundred 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**.

Senator Rosalyn Baker, Chair Senator Stanley Chang, Vice Chair and CPH Committee Members:

TESTIMONY IN STRONG SUPPORT OF HB 2110, HD1 – UNLICENSED FACILITIES

LATE

Hearing Date: March 10, 2020 -9:30 a.m. – Room 229

Please support HB 2110, which helps to protect the elderly and disabled.

Unlicensed care facilities have no regulation or oversight. There are no training or education requirements. They just take the money of these people and provide care in whatever way they feel is fine. This is wrong. Caregiving requires specialized knowledge and skill. There should always be oversight because the elderly and disabled are very vulnerable and need the state's protection to ensure they are receiving proper care.

The same standards should apply to landlords. Landlords should not exempt – they still need training and skills, and oversight to ensure we protect the vulnerable elderly and disabled. Regardless of whether someone is a landlord, they must maintain minimum care standards. Please discontinue this exception because the unlicensed care facilities will try to use this exception all the time.

Please help us maintain minimum standards to help protect the elderly and disabled to prevent harm.

Thank you

DATE

3/9/2020

PRINT NAME

LETICIA DAGULO

SIGNATURE

Letitia Dagulo

ADDRESS

95-528 Wanda Loop
Molokai, HI 96789

TELEPHONE NUMBER

808-383-9106

Senator Rosalyn Baker, Chair Senator Stanley Chang, Vice Chair and CPH Committee Members:

TESTIMONY IN STRONG SUPPORT OF HB 2110, HD1 – UNLICENSED FACILITIES

Hearing Date: March 10, 2020 -9:30 a.m. – Room 229

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Thank you.

DATE

3/8-2020

PRINT NAME

ANABEL G. CABEBE

SIGNATURE



ADDRESS

Anabel G. Cabebe
94-405 Kuahui St.
Waipahu, Hawaii 96797

TELEPHONE NUMBER

808-554-2280

TO: Consumer Protection and Health Committee (CPH)

March 10, at 9:30 am, Room 229

From: _____ In support of
HB 2692 HD2

Senator Rosaline Baker, Chair Senator Stanley Chang, Vice Chair and Members of the Committee,

I am and I am in strong of HB 2692 HD2 that will increase the number of hours the **Primary caregiver** may be absent from the **Community Care Foster Family Home**; provided that a substitute caregiver is present.

I am a caregiver in a Family Foster Home, I am happy and proud of my profession, but it does have its difficulties. I make great sacrifices to my personal life and little for my family because my time away is usually spent helping my residents and I have very little time for doing my personal chores and personal hygiene.

The current amount of time allowed for me to be away from my residents is far too late for anyone to have a fulfilling personal life. I love my patients, but I have no time for the others who love me or time to grow my family. As it is now, I am allowed 5 hours per day to be away from my patients.

That is not enough time for me to spend with my kids, attend their school and sports events. Please increase our time to 50 hours per week. Please consider our sacrifices and give us some options towards our personal time.

I would never leave them unattended and I will always make sure they are well taken care of by a substitute before I leave. I just want the free to have the ability to leave when I feel it's important to the others in my life. Something must change, or I will not be able to continue to be a caregiver.

Please pass HB 2692 HD2. Thank you for this opportunity to testify in support.

DATE:

3-8-2020

PRINT NAME:

ANABEL G. CABEBE

SIGNATURE:

Anabel

ADDRESS:

Anabel G. Cabebe
94-405 Kuahui St.
Waipahu, Hawaii 96797

TELEPHONE NUMBER:

808-554 2280

Anabel G. Cabebe
94-405 Kuahui St.
Waipahu, Hawaii 96797

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Please help us maintain minimum standards to help protect the elderly and disabled to prevent harm.

Thank you.

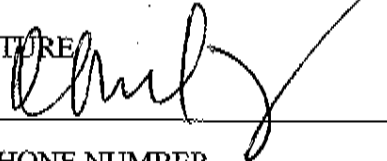
DATE

03/09/20

PRINT NAME

Charibel Cabaneros

SIGNATURE



ADDRESS

94-058 Anawanok St,
Waukegan, HI-96797

TELEPHONE NUMBER

808-414-4140

TO: Consumer Protection and Health Committee (CPH)

March 10, at 9:30 am, Room 229

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Please pass HB 2692 HD2. Thank you for this opportunity to testify in support.

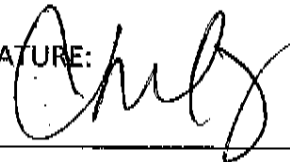
DATE:

March 9, 2020

PRINT NAME:

Charbel Casarito

SIGNATURE:



ADDRESS:

14-D SB Anamby St.
Waipahu, HI. 96797

TELEPHONE NUMBER:

609-4140

Senator Rosalyn Baker, Chair Senator Stanley Chang, Vice Chair and CPH Committee Members:

TESTIMONY IN STRONG SUPPORT OF HB 2110, HD1 – UNLICENSED FACILITIES

Hearing Date: March 10, 2020 -9:30 a.m. – Room 229

Please support HB 2110, which helps to protect the elderly and disabled.

Unlicensed care facilities have no regulation or oversight. There are no training or education requirements. They just take the money of these people and provide care in whatever way they feel is fine. This is wrong. Caregiving requires specialized knowledge and skill. There should always be oversight because the elderly and disabled are very vulnerable and need the state's protection to ensure they are receiving proper care.

The same standards should apply to landlords. Landlords should not exempt – they still need training and skills, and oversight to ensure we protect the vulnerable elderly and disabled. Regardless of whether someone is a landlord, they must maintain minimum care standards. Please discontinue this exception because the unlicensed care facilities will try to use this exception all the time.

Please help us maintain minimum standards to help protect the elderly and disabled to prevent harm.

Thank you.

DATE

March 9, 2020

PRINT NAME

GLORIA G. CUECO

SIGNATURE

Gloria G. Cueco

ADDRESS

94-5TH KUPUNA LODD

TELEPHONE NUMBER

808-677-8457

WAIPAHUA HI 96797

**TO: Consumer Protection and Health Committee (CPH)
March 10, at 9:30 am, Room 229**

From: _____ In support of
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I am a caregiver in a Family Foster Home, I am happy and proud of my profession, but it does have its difficulties. I make great sacrifices to my personal life and little for my family because my time away is usually spent helping my residents and I have very little time for doing my personal chores and personal hygiene.

The current amount of time allowed for me to be away from my residents is far too late for anyone to have a fulfilling personal life. I love my patients, but I have no time for the others who love me or time to grow my family. As it is now, I am allowed 5 hours per day to be away from my patients.

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Please pass HB 2692 HD2. Thank you for this opportunity to testify in support.

DATE:

March 9, 2020

PRINT NAME:

GLORIA G. CUECO

SIGNATURE:

Gloria G. Cueco

ADDRESS:

94-577 KUPUNA LOOP

TELEPHONE NUMBER:

808-677-8457

WAIPAHU HI 96797

Mar 09 20 03:46b Cynthia Gima

8087441236 p.3

To: Sen. Rosalyn Baker, Chair Stanley Chang, Vice Chair and CPH Committee Members:

Fax 808-586-6071

TESTIMONY IN STRONG SUPPORT OF HB 2110; HD1-UNLICENSED CARE FACILITIES

Hearing date: March 10, 2020 - 9:30AM - Room 229

Please support HB 2110, which helps to protect the elderly and disabled.

Unlicensed care facilities have no regulation oversights, there are no training or education requirements for individuals operating these facilities. Because there are no regulated requirements patients are not provided the same type of care as certified facilities. Patients are paying out a lot of money and are not being taken care of properly, unless requirements are put in place there is no way to regulate who takes care of the patient. The unlicensed facilities are basically elderly rentals and there is no daily documentation as required by licensed facilities. This can lead to wrong or misinformation when there is an emergency or medical situation with a patient. Caregiving requires specialized knowledge and skills, there should always be oversight because the elderly and disabled are very vulnerable and need the state's protection to ensure they are receiving proper care.

The same standards should apply to landlords. Landlords should not be exempt; they still need training, skills and oversight to ensure the elderly and disabled are properly protected and cared for. Regardless of whether someone is a landlord, they must maintain minimum care standards. Please discontinue this exemption because the unlicensed care facilities will try to use this to not get regulated or not be held to proper care requirements.

Is it going to take something bad happening to a patient in an unlicensed care facility due to lack or proper care, inadequate documentation, neglect or improper follow up for something to be done?

Please help us maintain minimum standards to help protect the elderly and disabled to prevent harm.

Thank you for your time, assistance and consideration regarding this matter

EMILIO G. ANDRES

PRINT NAME

1935 Mana St. Honolulu Hi
ADDRESS 96819



SIGNATURE

8453162 3/9/20
TELEPHONE NUMBER DATE

Mar 09 20 03:45

Cynthia Gima

8087441236

p.2

To: Senator Rosaline Baker, Chair, Senator Stanley Chang, Vice Chair and Members of the Committee (CPH):

Fax: 808-588-6071

TESTIMONY IN STRONG SUPPORT OF HB 2692 HD2

Hearing Date: March 10, 2020 -- 9:30AM -- room 229

Please support HB 2692 HD2 that will increase the number of hours the primary caregivers may be absent from the community care foster family home, provided that a substitute caregiver is present.

Primary Caregivers rely on their substitutes to cover for them to attend continuing education events required to maintain our license and certification, bring clients to their doctor and other appointments which often takes longer than 5 hours. There are many times clients must wait to be seen by the doctor or may be delayed due to transport not being on time. Caring for our clients 24/7 is very exhausting and stressful, as primary caregivers we do need down time in order to maintain a healthy lifestyle so we can provide quality care for our clients. By allowing nurses aids to substitute for up to 50 hours a week will allow us more options when needing time off from our caregiving duties.

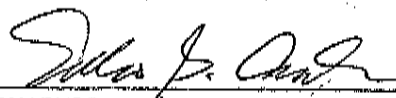
Currently, a Nurses Aid can work for only five (5) hours a day as a substitute for a primary caregiver in an adult foster care home, but yet may obtain a license from the state to open their own adult foster care home with two (2) clients. If a nurse's aid can open their own care home and care for 2 clients 24/7 then why are they restricted to 5 hours a day as a substitute? Approved Substitute Nurses Aids have the same training and qualifications as a nurse's aid wishing to open their own foster care home with 2 clients. It is very unfair that with the same training and qualification one may open their own care home yet on the other side is restricted to just 5 hours a day as a substitute.

Please help us ensure that caregivers can maintain a healthy lifestyle so they may continue to provide quality care for their clients by allowing the increase in nurses aid hours to fifty (50) hours per week.

Thank you very much for your time, assistance and consideration regarding this matter.

EMILIO G. ANDRES

PRINT NAME



SIGNATURE

1925 Wana St - Honolulu HI
96819

ADDRESS

845-3162

TELEPHONE NUMBER

3/9/20

DATE