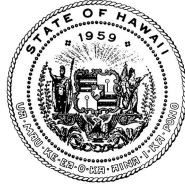


LATE

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
RELATING TO HEALTH.

REPRESENTATIVE JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: Tuesday, February 4, 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..."

LATE

HB-2110

Submitted on: 2/3/2020 6:27:05 PM
Testimony for HLT on 2/4/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Noreen Montijo	ARCA	Support	No

Comments:

As a care home operator I found it so hard to fill a bed, it took at least a month to fill a bed. I am in support of this bill.

LATE

HB-2110

Submitted on: 2/4/2020 12:52:40 AM

Testimony for HLT on 2/4/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
MYRIAM TABANIAG	Alliance of Professional Primary Care Administrators (APPCA)	Support	Yes

Comments:

Honorable Rep. John Mizuno, Chair; Rep. Bertrand Kobayashi, Vice Chair and Members of the Committee on Health, Good Morning:

I STRONGLY SUPPORT the intent of Bill HB2110.

First, Healthcare and Long Term Care Facilities are regulated industries, therefore all Hospitals; Nursing Homes; Adult Residential Carehomes (ARCHs); Expanded ARCHs, Community Care Foster Family Homes (CCFFHs); Developmentally Disabled Domiciliary Homes (DD Dom Homes); Day Care Centers should all be licensed or certified by the State. All confirmed operating unlicensed and uncertified homes should be closed down.

2. Registered Nurses, Social Workers, Case Managers, Navigators, and Individual Discharge Planners in the group of professionals prohibited from knowingly referring or transferring patients to an uncertified or unlicensed facility should be fined \$1000 per patient or resident that they refer and gets admitted to the unlicensed/uncertified homes.

3. Unlicensed/Uncertified Homes do not do licensing requirements and monitoring activities such as background checks on the Primary Caregivers and employees; no formal training and no to minimal experience on the job making the frail elderly more vulnerable to abuse and neglect.

4. Unlicensed/Uncertified Homes are NOT subject to various State laws and regulations which include building and safety codes; with specific requirements about staffing, training, prevention of abuse and neglect; reporting incidents of poor quality, and other standards.

5. Unlicensed/Uncertified Homes are not subjected to one unannounced visit to check for previous deficiencies if they have been corrected and the unannounced annual inspection which takes a minimum of 5-6 hours for Type I Homes and two 8-hour days for Type II Homes. At the annual inspections, resident medical charts are reviewed; temperature of refrigerators and the food inside are checked; foods served to residents are checked and monitored, compared to present menu for appropriateness to the

individualized diet and drinks; rooms are checked for cleanliness, lighting, nurse calls if working properly and many more. The unlicensed/uncertified homes are not being checked and no oversight by the State Office of Health Care Assurance to keep the already vulnerable elderly safe and protected.

Chair, Vice Chair and Members of the Committee, please see to it that this Bill 2110 gets passed into Law for the safety and protection of our frail elderly, the blind population and most especially the mentally challenged.

Thank you for giving me the opportunity to testify.

Myriam Tabaniag, RN, First Vice President (APPCA)

LATE

HB-2110

Submitted on: 2/3/2020 10:12:18 PM

Testimony for HLT on 2/4/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melita G Manalang	AAA CARE HOME	Support	Yes

Comments:

the law is useless without implementation.



ADULT FOSTER HOMECARE ASSOCIATION OF HAWAII

P.O. Box 970092, Waipahu, Hawai'i 96797

February 21, 2019

Maribel Tan
President

Testimony in Support of HB 2110 – HLT - Feb. 4, 2020, 10:30 a.m., Rm. 329

Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee:

The Adult Foster Home 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 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.

LATE

HB-2110

Submitted on: 2/3/2020 10:20:14 PM

Testimony for HLT on 2/4/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teresita Sagaysay	AAA CARE HOME	Support	No

Comments:

it is the right thing to do

LATE

HB-2110

Submitted on: 2/3/2020 10:21:13 PM

Testimony for HLT on 2/4/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ara Manalang	AAA CARE HOME	Support	No

Comments:

we want fairness

LATE

HB-2110

Submitted on: 2/3/2020 10:22:09 PM
Testimony for HLT on 2/4/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Aran Manalang	AAA CARE HOME	Support	No

Comments:

everyone should follow the law

LATE

HB-2110

Submitted on: 2/3/2020 10:22:56 PM

Testimony for HLT on 2/4/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gene Won	AAA CARE HOME	Support	No

Comments:

LATE

HB-2110

Submitted on: 2/3/2020 6:31:20 PM

Testimony for HLT on 2/4/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
jaimie cabo	ARCA	Support	No

Comments:

HB-2110

Submitted on: 1/31/2020 5:53:11 PM

Testimony for HLT on 2/4/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan P. Armstrong	Individual	Support	No

Comments:

Aloha Chair Mizuno, Vice Chair Kobayashi, and Honored Representatives serving on the Health Committee,

I proudly testify in support of House Bill 2110.

Unlicensed care homes are a growing problem across Hawai'i, including here on the island of O'ahu and even one affecting my neighbors here in MÅ• noa Valley and the surrounding environs. These homes take advantage of lax oversight while other homes play by the rules and abide by expensive and exacting regulations. The fair thing to do is to seek to expand enforcement of our laws.

This measure provides adequate expansion of investigative power and remedial action for the Department of Health. As the Department will have expertise in this area, I look forward to learning what they have to say. I am only speaking as one person, cognizant of the many complaints by affected individuals across our island home. I hope that the legislature and Department can work together and help our kÅ«puna by investigating these unlicensed care facilities.

In short, please pass HB2110.

Mahalo nui loa,
Dylan P. Armstrong
Individual Capacity

HB-2110

Submitted on: 2/2/2020 12:14:05 AM

Testimony for HLT on 2/4/2020 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Koohan Paik	Individual	Support	No

Comments:

This bill goes only part way in dealing with the neglect that so very many patients must endure because facilities are not licensed. ALL FACILITIES should be licensed in order to operate. Period. But I support this bill as a first step.

February 4, 2020

Testimony in opposition of HB 2110

Rep. Mizuno, Rep. Kobayashi, and members on the House Committee on Health:

My name is Lynn Muramaru and I'm a licensed social worker in the State of Hawaii. I've been a social worker in Hawaii for 39 years, 33 of those years have been spent in the medical social work fields of geriatrics and healthcare.

The reason why I oppose HB 2110 is that it does not address the real issues with long term care placements in community settings. Instead it targets social workers who are trying their best to help patients/elderly/disabled in identifying long term care options.

The current rules and regulations surrounding adult residential care homes (ARCH), expanded care homes (EARCH), and community care foster family homes (CCFFH) need to be changed and the amount of money these caregivers are compensated needs to be increased. Perhaps if the current system were revised, there would be less concerns about "unlicensed" care facilities as more would become licensed.

Please consider the following:

- It takes Medicaid 90 days to process an application for long term care (LTC). Most families in Hawaii want to care for their kupuna in their own homes and view placement as a last resort. Usually by the time they reach a social worker like me, they are devastated to learn that they must wait another 3 months before they receive relief. Is there any way this process could be shortened?
- Families do not realize that Medicaid does not pay for a care home (ARCH). People who reside in care homes receive \$1434.90 from Supplemental Security Income (SSI). From this amount, the ARCH resident is allowed a \$50 allowance. The ARCH caregiver is paid \$1384.90 to provide 24-hour care, meals, administering medications, transportation and coordinating medical care. This amounts to \$46 a day! This amount is far less than what is paid out to the Kupuna Care program (\$70 a day). Most caregivers are asking for an average of \$5000 a month. Finding placement for someone at this level is very difficult as very few caregivers are willing to accept the SSI rate of payment.
- Foster homes are certified for 2 to 3 residents. Only one of these residents can be private pay. What do I do with a person who can privately pay the same rate as Medicaid? What about the person who is spending down assets to qualify for Medicaid? I get told by case management agencies that no one wants my clients if they can't afford at least \$5000 a month.
- Then there's the issue of companies that offer to assist families to find a home for their relative free of charge. How do these companies get paid? They get a paid a hefty referral fee from the care home operators. The business of caring for our kupuna is challenging enough without taking more money away from these caregivers.
- I attended the legislative briefing on this topic and understand that it can be lengthy process to get licensed as a care home. These caregivers have mortgages and construction costs to cover. It's a burden to try to meet their financial obligations while waiting for their licenses and certifications. This too needs to be fixed.

This whole system needs to be corrected if the State wants all care homes to be licensed. All social workers and discharge planners do is to educate families on what their options are, and the family decides where they want the family member placed. We discharge patients to the care of their families.

Thank you for the opportunity to provide testimony on this bill. I can not support the passage of this bill.

Lynn Muramaru, LSW
Kapolei, HI

Testimony in support of HB 2110, Relating to Health

My name is Susan Goya and I live in Representative district 39. I firmly concur and believe in having the Department of Health (DOH) investigate care facilities operating without appropriate licensing or certification. Stringent action need to be taken for these unlicensed or uncertified care facilities, their caregivers and professional individuals involved. In Waipahu, I have heard we have numerous unlicensed care facilities in operation. It is unfair for the conscientious caregivers to go through their license certification and responsibly take classes on their own time to care for the safety and loving care of their clients. This vulnerable population of kupunas need to have the quality of life care and remain healthy in their twilight years. I feel the DOH's obligation to these care facility owners, who are responsible and accountable to their clients, is to get funding from the Legislature to pay for these individuals going out to check these care facilities and reduce their case loads. In this way, vigilant and judicious visits can be done to protect our loved ones while staying in these care facilities.

I have a lady friend who is in litigation over her brother-in-law's passing in March 2019. His caregiver was licensed and whenever she went to visit him she was always nice to my friend. She didn't realize her brother-in-law had five fractured ribs, hematoma in his head, no police report even though 911 was called for his supposedly falls at home or cuts in his mouth or bruises on his body and no follow up report to her by the case manager. He passed away due to accident on the police report but now it seems it is negligence and fraud of his caregiver and possibly case manager. My friend was unaware of the fractures on his body since she never checked underneath his clothing or looked under his baseball cap while visiting until she read the medical report summaries. Whenever she went to visit him things were normal until he died. She was shocked after reading through the medical reports. It is admirable of the DOH to impose fines to the noncompliance care facilities for unlicensed certification. However, tougher legislation is needed to protect the frail and elderly living in licensed care facilities who do not have the cognitive ability nor sometimes mental capability to protect themselves.

I am fortunate and very thankful to have found a home with a very passionate and loving care giver and family in December 2019 for my 98 year old Mom. At first Mom didn't appreciate the transition into a care home but she's adjusting well with her three new friends. Once a month the care giver takes her four ladies on excursion to visit a different part of the island. Mom also exercises with her walker around the paved sidewalk in the backyard and enjoys their nice koi pond. Mom also goes with the care giver and ladies once a month to the Patsy Mink Regional Park to have their bento lunch from Zippy's after their walk. We are truly blessed to have found a wonderful care giver.

I strongly urge the committee to pass HB 2110. Thank you for this opportunity to submit written testimony.

LATE

HB-2110

Submitted on: 2/3/2020 6:29:45 PM

Testimony for HLT on 2/4/2020 10:30:00 AM

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

Comments:

I experienced first hand unlicensed care homes stealing my patients from a bad business prtner

Date: February 4, 2020
Time: 10:30AM
Place: Conference Room 329
State Capitol
415 South Beretania Street

LATE

COMMITTEE ON HEALTH
REP. JOHN MIZUNO, CHAIR
REP. BERTRAND KOBAYASHI, VICE CHAIR
And Members of the Committees

Good Morning Chair, and Vice Chair and Members:

My name is Lilia Fajotina, I have been a licensed carehome for 25 years. I STRONGLY support HB 2110. As a licensed carehome operator we went through a lot just to acquire a license from Department of Health. We have oversight and monitoring to ensure the safety of our kupuna. We maintain and abide many requirements to uphold the law. Unlicensed carehomes don't have government oversight for safety and consumer protection. No annual inspection, No criminal background check. And, may also be evading tax obligation by indicating their clients and families that they are renters who are receiving home care services. These unlicensed homes needs to be investigated to be fair and equal as we all work together in caring our kupuna. I humbly ask for all your help to fix this growing problem. Thank you for the opportunity to testify

Sincerely,

Lilia Fajotina
APPCA, 2ND VICE PRESIDENT

LATE

HB-2110

Submitted on: 2/3/2020 6:30:20 PM
Testimony for HLT on 2/4/2020 10:30:00 AM

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

Comments:

LATE

Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee:

Fax: 808-586-6311

**TESTIMONY IN STRONG SUPPORT OF HB 2110 –
UNLICENSED CARE FACILITIES**

Hearing Date: Feb. 4, 2020 – 10:30 a.m. – Room 329

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 be 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

February 3, 2020

PRINT NAME SIGNATURE

Charles Calabro I _____
Calabro

ADDRESS TELEPHONE NUMBER

94-058 Anamoku St. I 808-664-4640
Waipahu, HI-96797

Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee:

Fax: 808-586-6311

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Hearing Date: Feb. 4, 2020 – 10:30 a.m. – Room 329

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DATE

2/3/2020

PRINT NAME

LETICIA DAGULO

SIGNATURE

I Leticia Dagulo

ADDRESS

95-588 Waiola Loop
Maitani HI 96783

TELEPHONE NUMBER

I 508-625-3551

Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee:

Fax: 808-586-6311

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Thank you.

DATE

2/3/20

PRINT NAME

Cathy Dagulo

SIGNATURE

Cathy Dagulo

ADDRESS

91-1001 Keaunui Dr #401

TELEPHONE NUMBER

(808) 385-9105

Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee:

Fax: 808-586-6311

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Thank you.

DATE

2/3/2020

PRINT NAME

Roberto Dagulo

SIGNATURE

I 

ADDRESS

95-528 Wailea lp.
Muhilani HI 96789

TELEPHONE NUMBER

I 808-625-3551

Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee:

Fax: 808-586-6311

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Thank you.

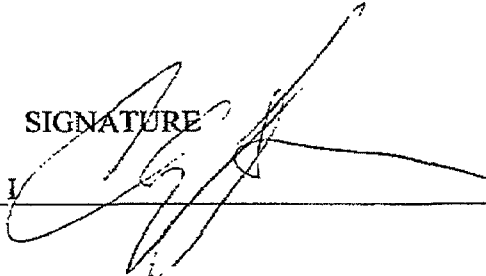
DATE

2/3/2020

PRINT NAME

Cindy Dagulo

SIGNATURE



ADDRESS

95528 Waiola Loop
Milani HI 96789

TELEPHONE NUMBER

808-625-3551

Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee:

Fax: 808-586-6311

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DATE

03 FEB 2020

PRINT NAME

SIGNATURE

NEIL MATSUO

I 

ADDRESS

TELEPHONE NUMBER

91-101 KEAUNUI DR. HAWAII BEACH, HI 96706

(808) 238-8088

Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee:

Fax: 808-586-6311

TESTIMONY IN STRONG SUPPORT OF HB 2110 – UNLICENSED CARE FACILITIES

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Thank you.

DATE

Feb. 3, 2020

PRINT NAME

SIGNATURE

CATALINA Antolin

I Catalina Antolin

ADDRESS

TELEPHONE NUMBER

95-532 Wai'alea loop
Mililani, HI 96789

I 908-690-2808

Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee:

Fax: 808-586-6311

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Thank you.

DATE

2/3/2020

PRINT NAME

Irene Yonezawa

SIGNATURE

Irene Yonezawa

ADDRESS

95-528 Waiola Loop
Milani HI 96789

TELEPHONE NUMBER

808-685-3551

TESTIMONY IN STRONG SUPPORT OF HB 2110 - UNLICENSED CARE FACILITIES

Fax: 808-586-6311

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Thank you.

DATE 2/3/2019

FOR DONNA S. ONAGA

Letty Dagulo

PRINT NAME NAM DINH

SIGNATURE

ADDRESS

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WAIKIKAI, HI 96741

TELEPHONE NUMBER
1 8 (808) 200 5312

STANLEY BERNARDIS

Stanley Bernardis

BETHRIE HIANTRAP

Bethrie Hiantrap

Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee:

Fax: 808-586-6311

TESTIMONY IN STRONG SUPPORT OF HB 2110 – UNLICENSED CARE FACILITIES

Hearing Date: Feb. 4, 2020 – 10:30 a.m. – Room 329

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.

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

Thank you.

DATE

2/3/2020

PRINT NAME

LEIANI DOMINGO

SIGNATURE

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TELEPHONE NUMBER

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PRINT NAME

Cynthia Gima

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PRINT NAME

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PRINT NAME

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WILFRED M. CAERERA , Wilfred M. Caerera

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2/3/2020

PRINT NAME

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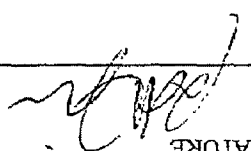
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DATE

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PRINT NAME

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DATE

Feb - 03 - 20

PRINT NAME

SIGNATURE

NORMA MANZANO

I, Norma Manzano

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I (808) 651-4017 - Cell phone

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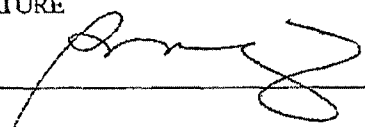
DATE

FEB 3, 2020

PRINT NAME

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ROMA M. ROBLES



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WAIPAHU HI, 96797 FAX: 808-200-3250

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DATE

02-03-20

PRINT NAME

SIGNATURE

MARLON ALONSO



ADDRESS

TELEPHONE NUMBER

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DATE

2/3/2020

PRINT NAME

LETICIA DAGULO

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I Leticia Dagulo

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PRINT NAME

Cathy Dagulo

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PRINT NAME

Roberto Dagulo

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95-528 Wailea lp.
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TELEPHONE NUMBER

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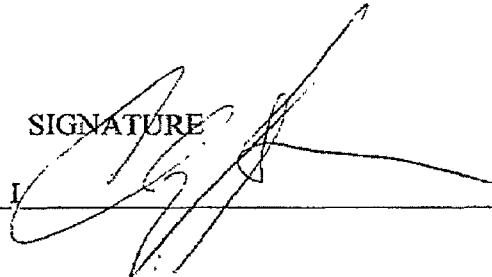
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Cindy Dagulo

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03 FEB 2020

PRINT NAME

NEIL MATSUO

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ADDRESS

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DATE

Feb. 3, 2020

PRINT NAME

SIGNATURE

CATALINA Antolin

I Catalina Antolin

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TELEPHONE NUMBER

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Irene Yonezawa

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Irene Yonezawa

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TELEPHONE NUMBER

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BETH AMBROSE

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Beth Ambrose

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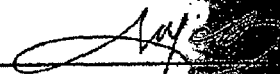
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DATE 02/03/2020

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WAIKALUA, HI. 96797

TELEPHONE

I (808) _____

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PRINT NAME

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