



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in OPPOSITION to H.B. 2691
RELATING TO HOSPICE.**

REPRESENTATIVE JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HEALTH

Hearing Date: Thursday, February 6, 2020 Room Number: 329

1 **Fiscal Implications:** None.

2 **Department Testimony:** Thank you for the opportunity to testify in OPPOSITION to this bill
3 as unnecessary.

4 The bill identifies 2 concerns:

- 5 1. Guardianship: Addresses the role and responsibility of guardianship, specifically
6 that a hospice patient's guardian has legal responsibility to advocate for their
7 patient until the end of the patient's life; and
- 8 2. Facility Licensure: Requires that hospice care only be provided by a licensed
9 hospice care facility, care home, or foster home.

10 This bill is vague and language may be misplaced. The preamble focuses on hospice
11 patients having limited amounts of money and guardians not being available to consent to
12 additional funds or to make further decisions. Nothing is mentioned in the preamble about
13 licensed hospice services being a problem or issue, so it is unclear why this bill addresses
14 hospice licensure.

1 1. Guardianship: Guardianship is already in statute at HRS 560:5. Any change in
2 guardianship roles and responsibilities should be addressed there. DOH recommends that
3 guardianship language be deleted from this bill.

4 2. Licensure: HRS Section 321-15.63 authorizes the Department of Health (DOH)
5 to license hospice service agencies but licensure is not currently required. Instead, hospices are
6 federally certified by DOH on behalf of the U.S. Centers for Medicare and Medicaid Services
7 (CMS). All Hawaii hospice agencies and facilities are certified. As a result, there is regulatory
8 oversight of hospice services.

9 Thank you for the opportunity to testify in OPPOSITION to this bill.