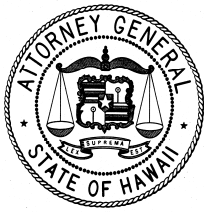


SB639

Measure Title:	RELATING TO KUPUNA CARE.
Report Title:	Kupuna Care; Kupuna Caregivers; Hawaii Tobacco Settlement Special Fund; Department of Health
Description:	Specifies that ten per cent of the moneys in the Hawaii tobacco settlement special fund shall be allocated to and expended by the department of health for purposes of the kupuna care program and the kupuna caregivers program. Specifies that the allotment of tobacco settlement moneys shall not supplant the base budget of the executive office on aging.
Companion:	HB880
Package:	None
Current Referral:	CPH, WAM
Introducer(s):	MORIWAKI, Baker, S. Chang, Dela Cruz, English, Ihara, Inouye, Kanuha, Kidani, Nishihara, Riviere, Ruderman, Taniguchi, L. Thielen



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

ON THE FOLLOWING MEASURE:

S.B. NO. 639, RELATING TO KUPUNA CARE.

BEFORE THE:

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

DATE: Wednesday, February 13, 2019 **TIME:** 9:10 a.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Clare E. Connors, Attorney General, or
Blair Goto, Deputy Attorney General

Chair Baker and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of the bill is to use ten per cent of the moneys in the tobacco settlement special fund for the Executive Office on Aging's (EOA's) kupuna care program and the kupuna caregivers program and to provide that the funds in question may not supplant the base budget of the EOA.

The wording of the bill authorizing the expenditure of the ten per cent is problematic. Article VII, section 5 of the Hawaii Constitution provides in part: "No public money shall be expended except pursuant to appropriations made by law" On page 3 of the bill, lines 9-17, the authorizing wording of the bill provides:

Ten per cent shall be deposited to the credit of the general fund to be allocated to and expended by the department of health for purposes of the kupuna care program and the kupuna caregivers program at the discretion of the executive office on aging; provided that any funds deposited pursuant to this paragraph shall be in addition to and shall not supplant any portion of the base budget of the executive office on aging; and (Emphasis added).

The emphasized wording does not actually make an appropriation of the ten per cent. Without an appropriation, per Article VII, section 5, the funds cannot be expended.

Moreover, the wording of the proviso to prohibit supplanting of the base budget for EOA (supplanting prohibition) is also problematic. The Legislature may not, by

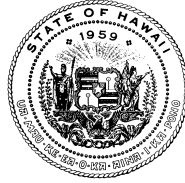
including the supplanting prohibition in this bill, bind itself and all future Legislatures to appropriate sufficient funds in the budget bills so that the ten per cent would not actually supplant any of the EOA's base budget this year and in all succeeding years.

Accordingly, we recommend that the wording of lines 9-17 on page 3 of the bill be replaced with the following:

Ten per cent shall be appropriated to the executive office on aging for purposes of the kupuna care program and the kupuna caregivers program with the allocation between the two programs to be determined by the executive office on aging; and

We respectfully ask that the Committee make the recommended amendment if this bill is passed.

DAVID Y. IGE
GOVERNOR OF HAWAII



CAROLINE CADIRAO
PSM MANAGER

BRUCE ANDERSON
DIRECTOR OF HEALTH

STATE OF HAWAII
EXECUTIVE OFFICE ON AGING
NO. 1 CAPITOL DISTRICT
250 SOUTH HOTEL STREET, SUITE 406
HONOLULU, HAWAII 96813-2831
eoa@doh.hawaii.gov

Testimony COMMENTING on SB0639
Relating to Kupuna Care

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
SENATOR ROSALYN BAKER, CHAIR
SENATOR STANLEY CHANG, VICE CHAIR

Testimony of Caroline Cadirao
PSM Manager, Executive Office on Aging
Attached Agency to the Department of Health

Hearing Date: February 13, 2019
9:10 AM

Room Number: 229

1 **EOA's Position:** The Executive Office on Aging (EOA), an attached agency to the Department
2 of Health, would like to provide comments on SB 639 Relating to Kupuna Care. We support the
3 intent of this measure provided that its enactment does not reduce or replace priorities within the
4 Administration's executive biennium budget.

5 **Fiscal Implications:** This measure specifies that ten percent of the monies in the Hawaii
6 tobacco settlement special fund shall be allocated and expended by DOH for the Kupuna Care
7 and Kupuna Caregivers programs. EOA defers to DOH on the fiscal implications of this bill.

8 **Purpose and Justification:** EOA supports this creative effort to increase funding for the
9 Kupuna Care and Kupuna Caregivers programs. We also appreciate that the allotment of
10 tobacco settlement monies shall not supplant the base budget of EOA. EOA's current base
11 budget for the Kupuna Care program is \$4.8M. Also, each year, EOA requests an additional
12 \$4.1M for the Kupuna Care program so the county Area Agencies on Aging (AAA) can provide

1 services such as: adult day care, assisted transportation, attendant care, case management, chore
2 services, homemaker services, home-delivered meals, personal care and transportation services.

3 The Kupuna Caregivers program received \$1.2M to provide services to caregivers so they may
4 continue to work rather than be unemployed in order to care for their loved one.

5 **Recommendation:** The Governor's biennium budget request included a total of \$9M base
6 budget for the Kupuna Care program and \$1.2M for Kupuna Caregivers. We support the
7 Governor's request.

8 Thank you for the opportunity to testify.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Commerce, Consumer Protection and Health
February 13, 2019 at 9:10 a.m.

By

Jerris Hedges, MD, Dean
John A. Burns School of Medicine

And

Michael Bruno, PhD
Interim Vice Chancellor for Academic Affairs and
Vice Chancellor for Research
University of Hawai'i at Mānoa

SB 639 – RELATING TO KUPUNA CARE

Chair Baker, Vice Chair Chang and members of the committee:

Thank you for this opportunity to testify in **support** of SB 639, which specifies that 10 percent of the moneys in the Hawai'i Tobacco Settlement special fund be allocated to and expended by the Department of Health for purposes of the kupuna care and the kupuna care givers programs.

The University of Hawai'i receives a portion of the tobacco settlement funds which is allocated to the University's revenue-undertakings fund for the medical school facility. When John A. Burns School of Medicine (JABSOM) was built, the medical school also had to assume its own expenses for electricity, security and custodial services – costs that were previously absorbed by UH Mānoa. The tobacco settlement funding allows us to meet those expenses.

We appreciate the commitment to the kupuna care givers program that supports qualified caregivers by providing up to \$70 per day to cover the cost of adult care, chore services, home-delivered meals, homemaker services, personal care, respite, or transportation. We also recognize the important services the program provides in light of Hawai'i's growing aging population. However, so that JABSOM may continue to educate and train future generations of physicians, we ask that the appropriation allocated to the University from the Hawai'i Tobacco Settlement special fund be preserved at its current percentage.

Thank you for this opportunity to testify.

SB-639

Submitted on: 2/12/2019 7:40:03 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

TO : SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION
AND HEALTH
Senator Rosalyn H. Baker, Chair
Stanley Chang, Vice Chair

FROM: Eldon L. Wegner, Ph.D.
Hawaii Family Caregiver Coalition

SUBJECT: SB 639 Relating to the Kupuna Care

HEARING: Wednesday February 13, 2019, 9:10 am
Conference Room 225, Hawaii State Capitol

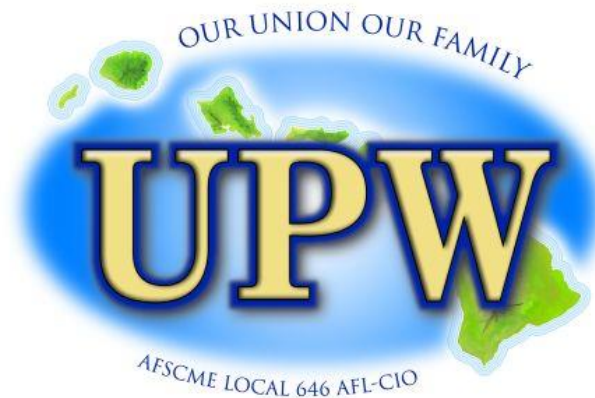
POSITION: The Hawaii Family Caregiver Coalition STRONGLY SUPPORTS SB 639 which specifies that 10% of the moneys in the Hawaii tobacco settlement special fund shall be allocated to and expended by the Department of Health for purposes of the Kupuna Care Program and the Kupuna Caregivers Program. This expenditure shall not supplant the base budget of the Executive Office on Aging

The Hawaii Family Caregiver Coalition (HFCC) is a coalition of agencies and individuals committed to addressing the needs of family caregivers and improving the ability of family caregivers to provide quality care for their frail and disabled loved ones.

Family caregivers provide 70% of the care for frail elderly persons and thus bear the major burden and expense of care. We suggest that the funds be devoted to the Kupuna Caregiver Program. The Kupuna Caregivers Program was passed in the 2017 Legislative Session with the goal of providing home and community services to employed caregivers in order to enable them to continue to be employed. The majority of family caregivers are also in the workforce and their employment is necessary to support the needs of their families as well as to assure that they will have sufficient social security and savings to support themselves in retirement. Employed caregivers suffer an extraordinary level of stress in trying to balance the obligations of work and eldercare. Consequently, many employed caregivers have to limit their hours or drop out of the workforce due to the demands of caring

Within a few weeks of the launch of the program, more than 500 persons inquired about it. The program's relatively small budget, (\$600,000) however, limits the services to a small number of clients. As of the end of December 2018, a total of 110 caregivers and 112 care recipients have been served by the program. Funding outside the general revenue is needed for this program to serve the existing need. Legislators, as well as persons in the community, have expressed a strong desire to expand the number of persons being served. An allocation from the Tobacco Settlement Fund would allow the program to serve a more significant and meaningful number of employed caregivers.

Thank you, Eldon L. Wegner, Ph.D., 2333 Kapiolani Blvd #2413, Honolulu 96826.



THE HAWAII STATE SENATE

The Thirtieth Legislature
Regular Session of 2019

Committee on Commerce, Consumer Protection and Health

Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair
Members of the Committee

Date of Hearing: February 13, 2019
Time of Hearing: 9:10 a.m.
Place of Hearing: Conference Room 229
State Capitol

TESTIMONY ON SB639 RELATING TO KUPUNA CARE

By DAYTON M. NAKANELUA,
State Director of the United Public Workers,
AFSCME Local 646, AFL-CIO ("UPW")

My name is Dayton M. Nakanelua and I am the State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive bargaining representative for approximately 14,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and four counties. The UPW also represents about 1,500 members in the private sector.

The UPW supports SB639 specifying that 10% of the moneys in the Hawaii tobacco settlement special fund be allocated and expended by the DOH for the Kupuna Care Program and Kupuna Caregivers Program. We believe that this source of additional funding for these programs is justified and necessary.

Thank you for the opportunity to submit this testimony.

The Thirtieth Legislature
Regular Session of 2019

THE SENATE

Committee on Commerce, and Consumer Protection, and Health
Senator Rosalyn H, Baker, Chair
Senator Stanley Chang, Vice Chair
State Capitol, Conference Room 229
Wednesday, February 13, 2019; 9:10 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 639
RELATING TO KUPUNA CARE**

The ILWU Local 142 **supports the intent** of S.B. 639, which specifies that 10% of the moneys in the Hawaii Tobacco Settlement Special Fund be allocated to and expended by the Department of Health for the Kupuna Care and Kupuna Caregivers Programs but such funds shall not supplant the base budget of the Executive Office on Aging.

The Kupuna Care and Kupuna Caregivers Programs both serve the rapidly growing population of frail and vulnerable elderly in our community who seek to live in their own homes, rather than in institutions where the need for Medicaid funding is most likely. Furthermore, the Kupuna Caregivers Program allows family caregivers needed respite while caring for loved ones and continuing to hold down their own employment. The Kupuna Caregivers Program provides support to three populations: to kupuna, who need their caregivers' assistance; to caregivers, who are caught between caring for their kupuna and providing for their own immediate and future income security; and to employers, who, in a tight labor market, cannot afford to lose valuable employees to caregiving responsibilities.

S.B. 639 seeks to tap into the Hawaii Tobacco Settlement Special Fund to help pay for these programs. However, we have concerns.

First, we do not know how much is in the Tobacco Special Fund or what it is currently being used for. Adding another use for these funds may unduly diminish the amount available for currently funded programs. If the programs currently being funded are serving a community need, adding another use may not be prudent.

Second, the way the bill is worded, funding from the Tobacco Special Fund should "not supplant any portion of the base budget of the Executive Office on Aging." Does this include base budget funding for the Kupuna Care and Kupuna Caregivers Programs? This should be stated explicitly in the measure.

While we commend the desire to find other sources of funding for these valuable and needed programs (Kupuna Care and Kupuna Caregivers), the Legislature may want to act carefully to avoid unintended consequences.

The ILWU supports funding for Kupuna Care and Kupuna Caregivers but has concerns about tapping into the Tobacco Settlement Special Fund. Thank you for the opportunity to share our views and concerns.



CATHOLIC CHARITIES HAWAII

TO: Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair
Committee on Commerce, Consumer Protection, and Health

FROM: Betty Lou Larson, Legislative Liaison

DATE: Wednesday, February 13, 2019 (9:10 a.m., Room 229)

RE: **IN SUPPORT of SB 639, Relating to Kupuna Care**

Catholic Charities Hawai'i (CCH) is a tax exempt, non-profit agency that has been providing supportive home and community based services to elders since 1973 and currently serves over 4,000 older persons each year.

CCH supports SB 639, to allocate funding from the Hawaii Tobacco Settlement Special Fund to the Kupuna Care and Kupuna Caregiver programs, as long as it does not supplant the funding of these programs in the base budget of the Executive Office on Aging (EOA).

Kupuna Care - Catholic Charities Hawai'i is a current provider of Kupuna Care Transportation Services for frail elders. Through Kupuna Care, CCH Transportation Services also provide relief for caregivers, especially working caregivers who would otherwise have to take time off from work to take their elderly loved ones to medical and benefit appointments, do grocery shopping, pick up medications, and more.

Kupuna Care services addresses the overall community goal of helping seniors remain independent in the community and prevent more costly institutional care – as well as supporting caregivers. Kupuna Care services provide a safety net for all kupuna and their caregivers who cannot afford to pay for in-home and community based services and are unable to receive these services through other means.

There are currently wait lists for several Kupuna Care services, reflecting a growing need as our elderly population increases.

Kupuna Caregiver – This program provides similar services to Kupuna Care, specifically providing services for elders who have a working caregiver. **We ask that the committee consider removing the \$70 per day limitation and replace it with a monthly maximum which would allow for greater flexibility to meet the diverse needs of working caregivers.**

Catholic Charities Hawai'i asks for your support of SB 639. For more information or questions, please feel free to email Diane Terada, Division Administrator, at diane.terada@catholiccharitieshawaii.org or call her via phone at 527-4702.

Thank you for this opportunity to provide testimony.



SB-639

Submitted on: 2/7/2019 3:29:02 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Johnathon G. Myers	Individual	Oppose	No

Comments:

Dear Chair Baker & Senate Committee on Commerce, Consumer Protection, and Health:

I am writing in slight OPPOSITION to SB639. Normally, I would support such a proposed Bill; however, with all of the proposed tobacco and electronic smoking device targeted ban Bills this session, the State of Hawaii is choosing to opt out of the Hawaii tobacco settlement funds and the tobacco and electronic smoking device tax revenue. Therefore, this proposed Bill does not stand a chance of earmarking budget that will no longer be available. I recommend this Committee consult with the Department of Taxation and the Senate Committee on Ways and Means for the revenue loss potential, as it pertains to earmarked budget related to tobacco tax revenue and tobacco-related settlement funds. Thank you for your time.

A concerned constituent,
Johnathon Myers



CARING ACROSS GENERATIONS

Chair Rosalyn Baker
Vice Chair Stanley Chang
Senate Committee on Commerce, Consumer Protection and Health

February 13, 2019

TESTIMONY IN SUPPORT OF SB 639 RELATING TO KUPUNA CARE

My name is Pedro Haro, and I wish to testify on behalf of Caring Across Generations in strong support of Senate Bill 639.

Caring Across Generations is a national movement of families, caregivers, people with disabilities and aging Americans working to transform the way we care in this country, calling for policy solutions that enable all of us to live and age with dignity and independence. Caring Across Generations has worked with partners in Hawai'i for years in support of legislation that will help make quality long-term care accessible to everyone, and we believe that this bill is an important step toward that goal.

There is little disagreement that the lack of long-term care coverage is a critical issue facing our country. For the vast majority of families without private long term care insurance, the only choices available are to either spend down their life savings in order to qualify for Medicaid, or to rely on unpaid family caregivers. Neither choice is sustainable. In Hawai'i, the issue is even more devastating as our cost of home health care is on average \$10,000 more than on the continental U.S. To adequately meet the care needs of families, and of the direct care workforce, we need to support the caregiving infrastructure that the Kupuna Caregivers provides.

Senate Bill 639 will continue the funding for the Kupuna Caregivers program through appropriations of the Tobacco Settlement Funds and will provide the needed respite care that our kūpuna caregivers deserve and the support our working families and businesses need. Study after study shows that the value of unpaid, and often under-recognized, family care is astronomical, and when family caregivers are forced to leave the workforce to provide care for an aging loved one, they risk their own retirement security. No one should be forced to choose between earning a living to provide for their family or leaving a job to provide long term care.

Our own research showed that 1 in 5 people indicated that they or someone in the household has had to leave a job or the workforce to help care for an aging loved one.

The benefit offered in this legislation will help ensure that aging adults in Hawaii will have access to the care they need, in a setting where they are already comfortable. And, importantly, family members in the workforce will be able to continue working, which improves their economic security and also stabilizes the workforce for business owners.

Care is a universal issue, and anyone in this room who is not currently providing some form of care to a family member has almost certainly done so in the past...or will do so in the future. Caring Across Generations urges this committee to support Senate Bill 639 and help ensure that all families have the support they need to provide the care our kūpuna deserve.

Thank you for considering my testimony.

Sincerely,

Pedro Haro
Advocacy Director, Hawaii
Caring Across Generations
pedro@caringacross.org

SB-639

Submitted on: 2/9/2019 7:33:02 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
jason graham	Individual	Oppose	No

Comments:

As much as I agree the tobacco companies like phillip Morris should pay their dues, this is clearly a way to make up the loss of funding that vaping has accomplished by reducing the amount of smokers by making them stop outright or go to a safer alternative from the various testimonies from many individuals. Attack the companies that have hurt our families and friends not add on vaping to deepen your pockets, that is unfair and wrong to those who have struggled to quit smoking finally or those looking to quit smoking. Ironically the state wanted people to quit smoking cigarettes but only if it fit their agenda of keeping money in their pockets. That shows the state truly doesn't care about the people and doesn't care about the small businesses who help advocate to quit cigarettes

SB-639

Submitted on: 2/10/2019 6:04:27 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Darlene Ben	Individual	Oppose	No

Comments:

SB-639

Submitted on: 2/10/2019 1:46:50 PM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
austin keliinoi-westbrook	Individual	Oppose	No

Comments:

SB-639

Submitted on: 2/9/2019 1:51:15 AM

Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
puna	Individual	Oppose	No

Comments:

Aloha

My name Puna I highly oppose this bill because if you are a retail or wholesaler you should not be selling any tobacco products to adolescents. The state laws says you need to be 21 or over to purchase any tobacco product. As a retailer I believe we shouldn't be getting this type of disciplinary actions such as higher taxation on our products. Do to the fact that all retailers or wholesaler should be abide by the state laws and regulations of sales. If one does not abide by the state law or regulations then that persons should be getting disciplinary actions toward them. Others who abide by state laws and regulations truthfully should not be punished its up to ones company individually not as a whole. I believe this is the actions that should happen instead.

Mahalo Nui loa for your time.

LATE

SB-639

Submitted on: 2/13/2019 2:14:25 AM
Testimony for CPH on 2/13/2019 9:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Testifying for Ho'omanapono Political Action Committee (HPAC)	Support	Yes

Comments: