



**HAWAII LONG-TERM CARE
OMBUDSMAN**
SOMEONE WHO CARES

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www.hi-ltc-ombudsman.org

HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Kyle T. Yamashita, Vice Chair

| | |
|----------------------------|------------------------|
| Rep. Patrick Pihana Branco | Rep. Amy A. Perruso |
| Rep. Stacelynn K.M. Eli | Rep. Jackson D. Sayama |
| Rep. Daniel Holt | Rep. Adrian K. Tam |
| Rep. Greggor Ilagan | Rep. Chris Todd |
| Rep. Bertrand Kobayashi | Rep. Tina Wildberger |
| Rep. Lisa Marten | Rep. Bob McDermott |
| Rep. Scott Y. Nishimoto | |

NOTICE OF HEARING

DATE: Thursday, February 24, 2022
TIME: 2:00 p.m.
PLACE: VIA VIDEOCONFERENCE
Conference Room 308
State Capitol
415 South Beretania Street

Strong Support for HB1824HD1

Aloha and Good Afternoon Chair Luke, Vice Chair Yamashita, and committee members. My name is John G. McDermott and I have been the State Long-Term Care Ombudsman for the past 24 years. My responsibility is to be an advocate for anyone in the State living in a nursing home, assisted living facility, expanded or regular adult residential care home or a community care foster family home.

I am a staff of ONE with a Volunteer Coordinator - plus an Oahu Ombudsman we just hired beginning March 1st. Yes, we have wonderful volunteers and three part-time contractors, but contractors and volunteers are not a substitute for staff. In this bill we are asking for 5 positions: a full-time, permanent "local" ombudsman for Kauai, for Maui, for the Hilo side and Kona side of Hawaii, and one more for Oahu. The Neighbor Islands should not have to wait for me to show up and come to their rescue.

In 1995 the *National Institute of Medicine* recommended a MINIMUM of 1 F/T Ombudsman per every 2,000 residents. We have almost 13,000 residents. If this bill passes, we will finally meet that 1995 standard which every other state achieved years ago.

We have 1,779 facilities spread over 6 islands. For me to visit every facility quarterly (the federal requirement) I must be at 30 facilities a day, every day.

We started as a Demonstration Project in 1975. We became federal law in 1978 and state law in 1979, so the Neighbor Islands have been waiting for their own “local” ombudsman for 43 years!

Adult Protective Services have staff. Office of the Public Guardian have staff. Hawaii Disability Rights Center have staff. Office of Health Care Assurance have staff. Office of the State Ombudsman have staff. The Long-Term Care Ombudsman Program also needs staff!

COVID made it very clear why having an ombudsman on each island is the right thing to do. There were no flights to the Neighbor Islands during the worst of this pandemic. Renting a car was difficult to find and expensive. I couldn't get to these facilities to check on our kupuna.

Because family and friends couldn't visit, many residents with dementia declined dramatically. An ombudsman has access to the residents 24/7. I need staff who will monitor what's happening – call bells being answered, folks being fed, bathed, dressed – some Activities so our kupuna are not left in bed all day staring at the walls because there is nothing to do, and the facility is short-staffed.

We DO NOT duplicate the role of APS or OHCA. APS has their own screening process. They focus on protecting individuals from imminent abuse and neglect, and if the complainant doesn't meet those requirements, there is no investigation. OHCA's focus is on annual inspections. Then they're gone. Facility staff know after the surveyors leave; they are in the clear for another year. OHCA will go in if they receive a complaint but when family/friends couldn't visit during COVID - and confused residents only became more confused and left in bed – who was expected to make the complaint to OHCA??

When I fly to a Neighbor Island, the TSA security protocols require I be at the airport 90 minutes before departure – that's roundtrip, 3 hours wasted. Add time for the flight itself. Add time to pick up the rental car and drive to the facilities. That leaves me less than 4 hours on the island. If I want to talk to as many residents as possible, I need to be in the facility at least 2 hours. So much WASTED time because I don't live on that island.

A *local* ombudsman is there for evening investigations when called for; there for family councils that meet on the weekends; there for senior fairs; there for multiple, timely, follow up visits if needed for a complaint investigation; there on a regular basis to establish a rapport and trust with the residents; there to recruit local volunteers; and there to explain the Program to the Mayor, the County Council members, the local media outlets, and local senior advocacy groups looking for guest speakers.

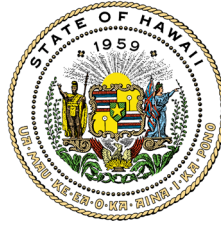
My kupuna are the most vulnerable. Many of them are alone. Family members have moved to another island or the mainland or died. They are afraid to complain for fear of retaliation. Everything we have we owe to them, but they seem to be forgotten, hidden in their LTC facilities, no longer able to speak for themselves.

Our Neighbor Island kupuna and their families have been waiting a long time. Please don't make them wait any longer. Mahalo and thank you for this opportunity to testify.



DAVID Y. IGE
GOVERNOR OF HAWAII

ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH



CAROLINE CADIRAO
DIRECTOR

Telephone
(808) 586-0100

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(808) 586-0185

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

**Testimony COMMENTING on HB1824 HD1
Making an Appropriation for the Office of the Long-Term Care Ombudsman Program**

COMMITTEE ON FINANCE
REPRESENTATIVE SYLVIA LUKE, CHAIR
REPRESENTATIVE KYLE T. YAMASHITA, VICE CHAIR

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

Hearing Date: February 24, 2022
2:00 P.M.

Room Number: 308
Via Videoconference

1 **EOA's Position:** The Executive Office on Aging (EOA), an attached agency to the Department
2 of Health, is providing comments on HB1824 HD1, making an appropriation for the Office of
3 the Long-Term Care Ombudsman Program (LTCOP), a program of the EOA.

4 **Fiscal Implications:** This measure appropriates an unspecified amount for fiscal year 2022-
5 2023 for an unspecified number of long-term care ombudsman program specialist positions
6 within the Executive Office on Aging.

7 **Purpose and Justification:** The LTCOP is required by federal and state law to protect the
8 human and civil rights of residents in all long-term care settings. The Long-Term Care
9 Ombudsman is required to visit facilities quarterly, respond to complaints, engage in
10 investigations, provide information, assistance and referrals to long-term residents and their
11 families, facilitate family councils statewide, provide community education, and administer the
12 program.

1 Currently, LTCOP has 1 full-time State Ombudsman, 1 Oahu Ombudsman beginning March 1,
2 2022, and 3 part-time contracted Ombudsmen for Kauai, Maui, Lanai, Molokai, and Hawaii
3 island. These contractors are trained Ombudsmen and have assisted to expand quarterly visits;
4 however, they do not replace the unmet needs that would be filled by full-time staff. In 1995, the
5 Academy of Medicine recommended one full-time Ombudsman for every two thousand
6 residents. Hawaii has 12,895 residents in 1,779 facilities statewide. Based on these statistics,
7 LTCOP should have 6.44 full-time long-term care Ombudsmen.

8 EOA conducted a comparison of other LTCOP in states of similar size.

- 9 • Maine population of 1.3 million =13 full-time employees
- 10 • West Virginia population of 1.79 million =11 full-time employees
- 11 • New Hampshire population of 1.36 million = 5 full-time employees

12 To meet the goal of quarterly visits and to advocate for the most vulnerable residents in all care
13 settings, LTCOP needs to conduct 28 visits a day statewide. Based on our current data with our
14 staff, contractors, and volunteers, we average four (4) visits a day.

15 COVID revealed the critical importance and need for the LTCOP. When nursing facilities,
16 community care homes and adult foster homes are closed to family members and visitors, the
17 Ombudsmen are allowed access to these facilities and are the eyes and ears for the families.

18 **Recommendation:** The Administration's budget includes 2 FTE permanent Ombudsmen for the
19 LTCOP. We support additional funding and positions for this program provided that its
20 enactment does not reduce or replace priorities with the Administration's budget request.

21 Thank you for the opportunity to testify.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON FINANCE
ON
HOUSE BILL NO. 1824, H.D. 1

February 24, 2022
2:00 p.m.
Room 308 and Videoconference

**MAKING AN APPROPRIATION FOR THE OFFICE OF THE LONG-TERM CARE
OMBUDSMAN PROGRAM**

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill No. 1824, H.D. 1, appropriates an unspecified amount of general funds in FY 23 to the Executive Office on Aging to fund an unspecified amount of full-time equivalent long-term care ombudsman program specialist positions within the Office of the Long-Term Care Ombudsman.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and

- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

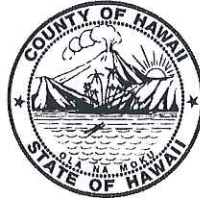
Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

Mitchell D. Roth
Mayor



William H. Farr
Executive on Aging

County of Hawai'i OFFICE OF AGING

Aging and Disability Resource Center, 1055 Kino'ole Street, Suite 101, Hilo, Hawai'i 96720-3872
Phone (808) 961-8600 • Fax (808) 961-8603 • Email: hcoa@hawaiiantel.net
West Hawai'i Civic Center, 74-5044 Ane Keohokālole Highway, Kailua-Kona 96740
Phone (808) 323-4390 • Fax (808) 323-4398

February 22, 2022

Representative Sylvia Luke, Chair
Representative Kyle T. Yamashita, Vice-Chair
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

**Re: Support of HB1824, HD1, relating to MAKING AN APPROPRIATION FOR THE
OFFICE OF THE LONG-TERM CARE OMBUSMAN PROGRAM
2:00 P.M., February 24, 2022, Via Videoconference, Conference Room 308**

Dear Representative Luke, and Members of the Committee on Finance:

Hawaii County Office of Aging (HCOA) supports the Kupuna Caucus initiative to appropriate funds to the office of the Long-Term Care Ombudsman (LTCOP) for five full-time (5.0 FTE) ombudsman specialist positions; one on Oahu, two on Hawaii Island, and one each on Kauai and Maui.

The National Academy of Medicine recommends an essential standard of one full-time ombudsman for every two thousand long-term care residents. As of 2021 Hawaii had a total of 1,779 long-term facilities state-wide that housed 12,895 residents. As current demographics indicate, Hawaii's older population has continued to increase, while LTCOP staffing has remained the same for over 40 years. Due to the lack of staffing, the LTCOP cannot meet the Federal minimum requirement of visiting each facility on a quarterly basis.

As a federally-mandated program, our LTCOP continues to remain at the bottom of the list in terms of staffing and funding across the country. The proposed appropriation of \$500,000 will only meet staffing standards set in 1995, and does not take into account federally mandated changes in the Older American Act title VII requirements. Passing this appropriation is truly a step in the right direction.

Thank you for the opportunity to submit testimony in support of this appropriation.

Sincerely,

William "Horace" Farr
Executive on Aging
Hawaii County Office of Aging



An Area Agency on Aging
Hawai'i County is an equal opportunity provider and employer.

HB-1824-HD-1

Submitted on: 2/22/2022 4:37:56 PM

Testimony for FIN on 2/24/2022 2:00:00 PM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|---------------------|----------------------------------|---------------------------|-----------------------------------|
| Gerald Arens | Long Term Care Ombudsman Program | Support | No |

Comments:

I believe it is important step for the legislature to fund permanent staff positions within the office of the LTCOP. There are over 1,700 facilities with a total of over 8,000 total beds. The majority of these beds are occupied by our most vulnerable state treasures, our Kupuna. There are not enough Long-Term Care Ombudsman paid staff positions to be able to visit each of our state facilities on a quarterly basis. Adding five permanent positions in addition to the two current positions will ensure more effective oversight of the rights of all people in long term care facilities. It is important to fund this bill at an ammount of 500K to ensure the program can attract people interested in a long-term commitment to this worthy federally mandated and mostly unfunded program. This is very small amount of money that will go a long way to improve the advocacy of people in long term care facilities. Thank you.



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facebook.com/AARPHawaii

The State Legislature
The House Committee on Finance
Thursday, February 24, 2022
2:00 p.m.

TO: The Honorable Sylvia Luke, Chair
RE: Support for H.B. 1824 H.D. 1 Relating to Long Term Care Ombudsman

Aloha Chair Luke and Members of the Committee:

My name is Keali'i Lopez and I am the State Director for AARP Hawai'i. AARP is a membership organization of people age fifty and over, with over 140,000 members in Hawai'i.

AARP strongly supports H.B. 1824 H.D. 1 which establishes and funds five permanent long-term care ombudsman program specialist positions to the office of the Long-Term Care Ombudsman. Having adequate staffing for this office is long overdue. Up to now, Hawaii has had only one full time ombudsman serving nearly 13,000 residents residing among the 1,779 facilities spread over 6 islands. This is not acceptable. In 1995, the National Institute of Medicine recommended a minimum of 1 full-time Ombudsman per every 2,000 residents. If this bill passes, Hawaii will finally meet that 1995 standard.

The COVID-19 pandemic has heightened awareness of our frailest residents' vulnerability. Because family and friends couldn't visit, activities and social interactions among long term care residents were negatively impacted. Unfortunately, facilities were short-staffed which exacerbated the situation, and many residents were left alone. The role of ombudsman is very critical in ensuring that residents are receiving proper care and attention. The ombudsman serves as the public's eyes and ears when visiting these facilities. Having access to the residents 24/7, the ombudsman becomes their advocate and can bring their concerns and complaints to the facility and appropriate state agencies' attention to be immediately addressed and resolved.

Please provide the 5 additional staff so that each island will have a full-time, permanent ombudsman specialist. Hawaii's long term care residents deserve immediate access to someone who can assist them.

Thank you very much for the opportunity to **support H.B. 1824 H.D.1.**

Sincerely,

A handwritten signature in black ink that reads "Keali'i S. Lopez". The signature is written in a cursive style.

Keali'i S. López
State Director



Kokua Council

The **Kokua Council** is one of Hawaii's oldest advocacy groups. Kokua Council seeks to empower seniors and other concerned citizens to be effective advocates in shaping the future and well-being of our community, with particular attention to those needing help in advocating for themselves.

**House of Representatives
Committee on Finance
Thursday, February 24, 2022
2:00 p.m.**

To: Chair Senator Sylvia Luke
Re: HB1824 HD1, Making an appropriation for the office of the long-term care ombudsman program.

Aloha Chair Luke, Vice-Chair Yamashita, and Members of the Committee,

I am Lila Mower, president of Kokua Council which advocates, informs, and educates to improve laws, policies, and practices that impact the well-being of kupuna, their families, and our community.

Kokua Council **strongly supports HB1824 HD1** and concurs with the testimony of John McDermott, Hawaii's LTC ombudsman.

Mahalo for the opportunity to testify on this measure.

**2022 Hawaii
Leadership Board**

February 23, 2022

Dr. Pokii Balaz, Chair
*Lunalilo Home
Kokua Kalihi Valley*

Representative Sylvia Luke, Chair
House Committee on Finance
Hawaii State Capitol
Conference Room 308

Tricia Medeiros, Immediate
Past Chair
*Chief Operating Officer
The Plaza Assisted Living*

**RE: HB1824 – Appropriation for the Office of the Long-Term Care Ombudsman
Program**

Gina Fujikami, MD
*The Queen's Medical
Center*

Aloha Chair Luke, Vice-Chair Yamashita Members of the Committee:

Stafford Kiguchi
*Executive Vice President
Bank of Hawaii
retired*

On behalf of the Alzheimer's Association, I am pleased to extend our support for HB1824, which appropriates funds to the Office of the Long-Term Care Ombudsman for five full-time positions; one on Oahu, two on Hawaii Island, one for Kauai, and one for Maui.

Lori McCarney
*Executive Director
Hawaii Bicycling League*

The need for long-term care is growing rapidly in Hawaii as our population ages, and a significant portion of this population will need long-term care in a facility.

Kai Ohashi
*Financial Advisor
Edward Jones*

The role of a long-term care ombudsman is to help resolve problems related to and protect the health, safety, welfare, and rights of our kupuna, our most vulnerable citizens, who live in nursing homes, care homes, and assisted living facilities.

Michael Robinson
*Vice President
Hawaii Pacific Health*

Although the Alzheimer's Association and other community agencies provide numerous services to the elderly, many of which are residents of long-term care facilities or nursing homes, there are many services that are needed beyond what we are able to provide. This office and these positions are crucial to ensure that our elderly have an advocate to address any complaints and issues with long-term care facilities and state agencies. Our kupuna deserves better from us and needs to be heard and we ask you to pass this bill out of committee.

Kimberly Soares
*Vice President
Atlas Insurance*

Gordon Takaki
*Past President
Hawaii Island Chamber of
Commerce*

Caroline Witherspoon
*President
Becker Communications*

If you have any questions, please do not hesitate to contact me by email at ljduenas@alz.org, or by phone at 808.495.4122.

LJ R. Duenas
*Executive Director
Alzheimer's Association*

Sincerely,



LJ Duenas
Executive Director
Alzheimer's Association

Policy Advisory Board for Elder Affairs

Testimony to the House Committee on Finance
Thursday, February 24, 2022
2:00 p. m.
Via videoconference

Re: HB 1824 HD 1, MAKING AN APPROPRIATION FOR THE OFFICE OF
THE LONG-TERM CARE OMBUDSMAN PROGRAM

Dear Chair Luke, Vice Chair Yamashita, and Honorable Members of the House
Committee on Finance:

I am Gary Simon, Chair of the Policy Advisory Board for Elder Affairs (PABEA), which is
an appointed board tasked with advising the Executive Office on Aging (EOA).

PABEA strongly supports HB 1824 HD 1, which would appropriate funds to the Office
of the Long-Term Care Ombudsman for five ombudsman program specialist positions.

The role of ombudsman is critical in ensuring that residents are receiving quality, safe
care and attention. The ombudsman serves as the public's eyes and ears when visiting
these facilities. Having access to the residents twenty-four hours per day, seven days a
week, the ombudsman is their advocate and can bring their concerns and complaints to
the facility and appropriate state agencies' attention to be addressed immediately and
resolved.

For decades, the Office of the Long-Term Care Ombudsman has been severely
understaffed. Currently, Hawaii has only one full time ombudsman serving nearly
13,000 residents residing among the 1,779 facilities spread over 6 islands. Our elderly
and frail residing in our long term care facilities deserve better from us. They deserve
immediate access to someone who can assist them.

In 1995, the National Institute of Medicine recommended a minimum of one full-time
ombudsman for every 2,000 residents. If this bill passes, Hawaii will finally meet that
1995 standard. Please provide the additional staff so that each island will have at a full-
time, permanent ombudsman specialist.

We urge you to support HB 1824 HD 1, and we urge you to recommend its passage.

On behalf of PABEA, I thank you for seriously considering the bill.

Very sincerely,



Gary Simon
Chair
Policy Advisory Board for Elder Affairs
No. 1 Capitol District
250 South Hotel Street, Suite 406
Honolulu, Hawaii 96813
Email garysimon@hawaii.rr.com

HB-1824-HD-1

Submitted on: 2/22/2022 4:10:51 PM

Testimony for FIN on 2/24/2022 2:00:00 PM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|----------------|--------------|--------------------|----------------------------|
| Jomel Duldulao | Individual | Support | No |

Comments:

Strong support of HB1824

Aloha and Good Afternoon Chair Luke, Vice-Chair Yamashita, and committee members. My name is Jomel Duldulao and I am currently serving as a Long Term Care Ombudsman contractor in Oahu. I have been in this capacity for the past 12 months.

The pandemic has truly hit our Kupuna and residents pretty hard. Many facilities I visit have restricted visitations which have led many of their residents to feel abandoned and depressed. The residents I have spoken to mentioned to me they miss seeing and holding their loved ones. The residents feel depressed and isolated. I have been making 5 facility visits a day on Oahu and I can't meet the requirement of visiting every facility every quarter. There are countless times when I visited a resident at a foster home and care home and the resident thanked me personally for coming by and talking to them and checking in on them. Many of the residents and families had never heard of the LTCO program and were grateful for the visit and asked me to come back again to check in with them.

Also, this past year a family member had initially called me to ask me to check in on their Uncle who mentioned to them they were not happy and not eating well. I reassured the family member that I would give their Uncle a call and also make a physical visit. I was able to have a wonderful talk with the Uncle and he explained to me some of the things that could be improved to help him feel more at home. With the Uncle's consent, I was able to have a constructive discussion with the caregiver. The caregiver wasn't aware and was open to making the changes to help the resident feel more at home. Uncle was so delighted about the changes and was grateful that he was able to enjoy some of the simple things, like hot dogs and spaghetti. I am just grateful that I was able to make his quality of life a little better.

Every county must have an ombudsman to represent and advocate for the many seniors and vulnerable residents. There are roughly 10,000 residents living in long-term care settings on Oahu. To better serve and protect our most vulnerable Kupuna and residents **Please support SB2676!**

Mahalo and thank you for this opportunity to testify.

Jomel Duldulao

Honolulu

HB-1824-HD-1

Submitted on: 2/22/2022 5:21:55 PM

Testimony for FIN on 2/24/2022 2:00:00 PM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|---------------------|---------------------|---------------------------|-----------------------------------|
| Sharon Young | Individual | Support | No |

Comments:

Dear Chair Sylvia Luke, Vice-Chair Kyle Yamashita, and Members of the Committee,

I am writing in strong support of HB1824 HD1.

Over thirty years ago, my father had a stroke and had to be placed in a nursing home. He was so unhappy there even though we visited him every day. It broke my heart. He eventually stopped eating and eventually passed away.

There are thousands of elderly and ill people like my father residing in longterm care facilities in Hawaii. Many don't even have family or friends to look out for them, or the residents might be too scared to complain or to ask for better conditions. The longterm care ombudsman program not only fields complaints but they also reach out to this vulnerable population, to listen to them and to hopefully make their environment better. However, if they do not have enough staff, I fear a resident might fall through the cracks and be neglected, or worse.

Therefore, I really hope you will consider passing this bill. It really will be money well-spent. Thank you so much for listening.

Sincerely,

Sharon Young

Makiki

2/22/22

TO: House Committee on Finance
Honorable Chair Rep. Sylvia Luke
Honorable Vice-Chair Rep. Kyle T. Yamashita

FROM: James Mariano

SUBJECT: HB1824 HD1, MAKING AN APPROPRIATION FOR THE OFFICE OF THE LONG-TERM CARE OMBUDSMAN PROGRAM

HEARING: Thursday, February 24, 2022, 2:00 p.m. Conference Room 308 & Videoconference

POSITION: Support of HB1824 HD1

Aloha,

My name is James Mariano and I am a program specialist with the Maui County Office on Aging. I am in support of HB1824 HD1.

The time is right, “pono,” to fund more long-term care ombudsmen for our state. It would be a memorable legacy to see the fulfilment of the need given that our state, our island communities, continue to grow and the need was for more guardians/advocates were called out since the reduction of staff in 2015.

As a social worker in a previous job, I’ve listened to stories and have seen families deal with the issues of alleged abuse and care in various institutions. Where are the advocates when they are needed? There simply aren’t enough of them. I know that Mr. John McDermott, current LTCO, and his volunteers are extremely busy but we need to compensate and create jobs that tell society we value our loved ones in various long-term options. It feels self-defeating when there isn’t enough support in this field on all islands to be able to assist families in ways that matter.

So, I ask that you do Right by forwarding this bill. The time is now.

Mahalo for this opportunity to testify.

HB-1824-HD-1

Submitted on: 2/22/2022 7:38:25 PM

Testimony for FIN on 2/24/2022 2:00:00 PM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|---------------------|---------------------|---------------------------|-----------------------------------|
| Lynn Niitani | Individual | Support | No |

Comments:

Aloha Chair Sylvia Luke, Vice-Chair Kyle T. Yamashita, and Members of the Committee,

I am writing this letter in strong support of this Kupuna Caucus initiative to appropriate funds to establish and fund permanent positions within the Office of the Long-Term Care Ombudsman.

My family was one of the many who lost a close loved one during COVID-19. Until mid-2020, my loved one lived independently at home until a simple fall required admission into a nursing home for rehabilitation. The initial statewide lockdown to prevent the spread of COVID-19 meant that family members could not visit to help with the adjustment to this new situation. Isolation from family, coupled with a recent diagnosis of dementia, led my loved one to become increasingly confused, refused to eat, and no longer recognized us when we tried to FACETIME. My loved one suffered >20% weight loss and passed away less than six months after the initial fall.

I wish I could say that we were the only family who suffered this experience but a survey conducted by the National Consumer Voice for Quality Long-Term Care found that 85% of family members noted a decline in the residents' physical abilities; 87% decline in physical appearance; and 91% reported their loved one's demeanor (mental status) had declined.

I also wish that Long-Term Care Ombudsmen had not been barred from entering facilities by the Centers for Medicare and Medicaid Services (CMS) from March 13, 2020 until CMS eased visitation restrictions in September 2020. Long-Term Care Ombudsmen advocate for residents and family members and respond to complaints about the quality of care and ensure residents have a good quality of life in facilities, however, now that visits have restarted, it's impossible for a program with a staff of two, to visit every facility statewide.

Please appropriate the necessary funding for the Long-Term Care Ombudsman Program so these much-needed services are available to all kupuna and other vulnerable citizens who are dependent on others for their care.

Thank you very much for the opportunity to submit my testimony in support of HB 1824.

Lynn Niitani

Aina Haina

HB-1824-HD-1

Submitted on: 2/22/2022 11:38:51 PM

Testimony for FIN on 2/24/2022 2:00:00 PM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|---------------------|---------------------|---------------------------|-----------------------------------|
| Rick Tabor | Individual | Support | No |

Comments:

RE: HB 1824 MAKING AN APPROPRIATION FOR THE OFFICE OF THE LONG-TERM CARE OMBUDSMAN PROGRAM.

Thank you for your time, Representative Sylvia Luke and members of the Finance Committee.

I could represent any of the number of nonprofits I'm involved in, as they all support this very important bill. As you know, those nonprofits & roles include; President of HPGS (Hawai'i Pacific Gerontological Society). Vice President of the Kokua Council & Hawai'i Meals on Wheels, Board of Directors Rotary Club of Honolulu, Alzheimer's Association Hawai'i Ambassador/Champion volunteer, Hawai'i Team Leader Compassion and Choices Hawai'i, just to name a few.

My point is, recently I added Long-Term Ombudsman volunteer to my list of retirement volunteer activities. Despite all the involvement, I'll submit my observation and testimony on behalf of myself in strong support of 5 FTE positions for the state's Long Term Care Ombudsman. I'm not sure how this important Kupuna program went this long without being fully staffed. From what I've observed, we're 43 years out of compliance with the ADA rules. The pandemic exposed how serious an issue not having full time, Island dedicated Ombudsmen is.

As a son of an 88-year-old dementia diagnosed mother, my busy family and I are well aware of the need for someone to look in on her to make sure she's ok. Even if it's only to sit and listen and assure her they'll see what they can do to enhance her situation. The listening ear with assurance is sometimes all a person needs to feel heard so they can carry on. I won't repeat everything you've already heard in other testimonies. Instead, I'll just ask for what seems logical. A full Long-Term Care Ombudsman program would be a tremendous help to an already devastated aging with dignity Kupuna world. I was just reading how seriously understaffed our caregivers are, and how it could take a long time to restaff this workforce need. This on top of the reality of us baby boomers aging out is about to be a terrible issue. Having dedicated Ombudsman, who can report & trouble shoot issues would be very helpful to all involved.

Another story comes to mind. Our neighbor cared for his mother for 28 years. She is 97 years old. And needed ongoing nursing care. They placed her in a licensed home. She lost 55 pounds in three months. The home operator was evasive when questioned. And they really could have used some help assessing the problem. He's kind of private, so I only heard about the issue after

they moved her to a new place. Had the Long-Term Care Ombudsman program been fully staffed, instead of relying on part-time volunteers, this situation might have been resolved before a 97-year-old dementia resident loses 55 pounds.

We're talking lives here. How many elders have we lost without knowing there were simple solutions to the dignity of our loved ones? Hawai'i's been out of compliance for too many years. It's time to staff the Long-Term Care Ombudsman office.

Thank you for your time and consideration on this very important call to action bill.

Rick Tabor, Pauoa Valley Home Owner

HB-1824-HD-1

Submitted on: 2/23/2022 10:50:59 AM

Testimony for FIN on 2/24/2022 2:00:00 PM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|---------------------|---------------------|---------------------------|-----------------------------------|
| jacqueline gardner | Individual | Support | No |

Comments:

I SUPPORT the Long Term Ombudsman need for MORE positions for the neighbor islands

The Oahu ombudsman is NOT able to see all Kupuna

The neighbor island elders in facilities deserve their own voice

J Gardner 808 896 5569

HB-1824-HD-1

Submitted on: 2/23/2022 11:23:35 AM

Testimony for FIN on 2/24/2022 2:00:00 PM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|---------------------|-----------------------------------|---------------------------|-----------------------------------|
| Vanessa Chong | Protect Leahi & Maluhia `Ohana | Support | No |

Comments:

This measure must pass if Hawaii is to begin the catch up critical to a statewide safety net with on-island advocates dedicated to protecting the most vulnerable.

Brent Freemont
Contracted Long Term Care Ombudsman
Maui County

Aloha, My name is Brent Freemont and I am the contract Ombudsman for Maui County, and live in Kula. The Ombudsman program is a valuable resource for our Kupuna and Maui County is made up of three islands to visit, currently I'm only contracted for 19 hours a week. There are three large Nursing Facilities, over 50 Community Family Foster Homes, and six ARCH assisted living facilities just on Maui Island. Currently, I am the only one visiting these facilities to advocate for our elders in these homes, and it is only part time. They need our full time support and I hope that you'll support Bill HB1824. On behalf of your Maui County Kupuna,
I thank you.

Brent Freemont
Maui County Ombudsman

HB-1824-HD-1

Submitted on: 2/23/2022 1:08:18 PM

Testimony for FIN on 2/24/2022 2:00:00 PM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|---------------------|---------------------|---------------------------|-----------------------------------|
| Jack Yatsko | Individual | Support | No |

Comments:

I know what the Ombudsman does and this Program needs to be supported, staffed and funded on a par with every other state in the country.

This program is important and protects vulnerable populations. It cannot be properly administered with the limited amount of staffing it currently has.

Please support HB1824 HD1

Mahalo.

HB-1824-HD-1

Submitted on: 2/23/2022 2:04:11 PM

Testimony for FIN on 2/24/2022 2:00:00 PM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|--------------------|--------------|--------------------|----------------------------|
| Barbara J. Service | Individual | Support | No |

Comments:

Aloha Chair Luke, Vice Chair Yamashita and committee members!

I am a member of Senate District 8 and House District 19. I urge you to pass this bill to establish more Long-term Care Ombudsman positions. There is currently only one Long-Term Care Ombudsman in Hawaii serving approximately 13,000 residents in long-term facilities. These residents are likely the most vulnerable adults in Hawaii. Often they have no family on Oahu OR no family at all.

We should have at least 12 positions based on national standards (one Ombudsman for every 2000 residents). This bill would establish another five positions: two for the Big Island, one for Kauai, one for Maui and one more for Oahu. Please see that our vulnerable Kupuna get the care and attention they deserve.

Mahalo for the opportunity to testify.

Barbara J. Service MSW (ret.).

Kupuna advocate

Pleas

I

HB-1824-HD-1

Submitted on: 2/23/2022 3:07:54 PM

Testimony for FIN on 2/24/2022 2:00:00 PM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|-------------------------------|---------------------|---------------------------|-----------------------------------|
| Margaret A. Perkinson, PhD | Individual | Support | No |

Comments:

Aloha and Good Afternoon Chair Luke, Vice Chair Yamashita, and committee members. My name is Margaret A. Perkinson, PhD. I want to voice my strong support for HB1824 MAKING AN APPROPRIATION FOR THE OFFICE OF THE LONG-TERM CARE OMBUDSMAN PROGRAM.

I am a research gerontologist and have specialized in family caregiving and long-term services and supports for over 40 years. I am familiar with ombudsman programs in other states. In comparison, Hawaii is solely lacking in the support allocated to this essential program.

An ombudsman serves the critical function of advocate for residents in nursing homes, assisted living facilities, expanded or regular adult residential care homes, and community care foster family homes. In 1995 the National Institute of Medicine recommended a MINIMUM of 1 F/T Ombudsman per every 2,000 residents. Hawaii has almost 13,000 residents. If this bill passes, the 1995 standard will finally be met, a standard that every other state achieved years ago.

Hawaii has 1,779 facilities spread over 6 islands. To meet the federal requirement, every facility must receive quarterly visits from an ombudsman. This translates to visiting 30 facilities a day, every day, statewide. The geography of Hawaii, calling for time-consuming inter-island travel, makes this requirement even more daunting. Local ombudsmen are essential for each island. This bill will ensure that our most vulnerable kupuna will receive the attention that is their due.

HB-1824-HD-1

Submitted on: 2/24/2022 9:43:33 AM

Testimony for FIN on 2/24/2022 2:00:00 PM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|---------------------|---------------------|---------------------------|-----------------------------------|
| Patricia Shields | Individual | Support | No |

Comments:

To the House Finance and Senate Ways and Means Committees:

i firmly believe it is critical that five (5) paid ombudsman specialists be created to prevent further pain and suffering to residents or long-care facilities on all the Hawaiian islands, not to mention, the isolation and languishing of kupuna who were left alone during the COVID-19 pandemic when access to these facilities was forbidden. Our single Ombudsman, John McDermott, could not do his job effectively without help (which he did not have), and many kupuna paid the price with their lives.

For those of you on these Committees who have, or know of kupuna living in a long term care facility, just think about how kupuna felt when they were denied visitors (in some cases, during their last days), believing they had been abandoned by those who love them and by the system that was paid to protect them. Our one and only Ombudsman could not be in five places at once! If there had been ombudsmen on each island, they could have been that one link that kept hope in a single kupuna's life.

If these additional positions are created, not only will it ease the burden from our one and only Ombudsman, but it will save the lives of kupuna on all our islands by having a representative on hand to meet their needs when they need it.

In summary, I strongly urge the creation of these badly needed positions. Let your conscience be your guide to make this happen, for all our sakes.

Mahalo for your time and consideration .