



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of SB1151
RELATING TO HOSPITAL LICENSING.**

SENATOR JARRETT KEOHOKALOLE, CHAIR
SENATE COMMITTEE ON HEALTH

Hearing Date: Wednesday, February 3, 2021

Room Number:

1 **Fiscal Implications:** No negative implications.

2 **Department Testimony:** Thank you for the opportunity to testify in **strong support** of this
3 measure.

4 Section 321-14.5 Hawaii Revised Statute (HRS) on hospital licensing allows the
5 Department of Health to accept hospital accreditation from the Joint Commission for state
6 licensing purposes. The Joint Commission's requirements are more stringent than the
7 Department's administrative rules and they are updated more frequently.

8 State policy should not give preferential recognition to a single private accreditation
9 organization when other private accreditation organizations can perform accreditation and are
10 recognized by the U.S. Centers for Medicare and Medicaid Services (CMS). As noted in the
11 bill's preamble, CMS recognizes the Accreditation Association for Hospitals and Health
12 Systems/Healthcare Facilities Accreditation Program, the Center for Improvement in Healthcare
13 Quality, and DVN GL – Healthcare National Integrated Accreditation for Healthcare
14 Organizations.

1 This bill seeks to amend Section 321-14.5, HRS on hospital licensing by allowing the
2 Department to accept accreditation or certification of a hospital from any nationally recognized
3 accreditation or certification organization instead of only the Joint Commission. The
4 Department would accept accreditation organizations after a review on their credibility and if
5 they are accepted by CMS or other major stakeholders.

6 Hawaii's large private hospitals and some of the small hospitals are accredited by the
7 Joint Commission and it is unlikely they will change. And they won't change simply due to this
8 bill or to the Department's recognition of other accreditation organizations, but they could.

9 As a result, and without intending to infer any negative concerns with the Joint
10 Commission, the Department is in **strong support** of this measure.

11 Thank you for the opportunity to testify on this measure.



February 3, 2021 at 1:05 pm
Via Videoconference

Senate Committee on Health

To: Chair Jarrett Keohokalole
Vice Chair Rosalyn H. Baker

From: Paige Heckathorn Choy
Director of Government Affairs
Healthcare Association of Hawaii

Re: **Submitting Comments**
SB 1151, Relating to Hospital Licensing

The Healthcare Association of Hawaii (HAH), established in 1939, serves as the leading voice of healthcare on behalf of 170 member organizations who represent almost every aspect of the healthcare continuum in Hawaii. Members include acute care hospitals, skilled nursing facilities, home health agencies, hospices, assisted living facilities, and durable medical equipment suppliers. In addition to providing access to appropriate, affordable, high-quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing over 20,000 people statewide.

Thank you for the opportunity to provide **comments** on this bill, which would allow for hospitals to be accredited or certified by a qualified organization other than The Joint Commission. Over the years, we have found that the use of The Joint Commission by our hospitals has helped us to provide some of the highest quality care in the country to our patients. Ensuring that hospitals are licensed based on the most rigorous of standards continues to be an organizing principle for our member facilities, and the continued use of eligible accrediting bodies to for state licensure is an option for achieving that.

Thank you for the opportunity to comment on this bill.

Testimony of
Jonathan Ching
Government Relations Manager

Before:
Senate Committee on Health
The Honorable Jarrett Keohokalole, Chair
The Honorable Rosalyn H. Baker, Vice Chair

February 3, 2021
1:05 p.m.
Via Videoconference

Re: SB 1151, Relating to Hospital Licensing

Chair Keohokalole, Vice Chair Baker, and committee members, thank you for this opportunity to provide testimony on SB 1151, which authorizes the Hawai'i Department of Health to recognize additional national accreditation or certification organizations.

Kaiser Permanente Hawai'i SUPPORTS SB 1151.

Kaiser Permanente Hawai'i is Hawai'i's largest integrated health system that provides care and coverage for approximately 260,000 members. Each day, more than 4,400 dedicated employees and more than 600 Hawai'i Permanente Medical Group physicians and providers come to work at Kaiser Permanente Hawai'i to care for our members at our 20 medical facilities, including Moanalua Medical Center, providing high-quality care for our members and delivering on our commitment to improve the health of the 1.4 million people living in the communities we serve.

Kaiser Permanente Hawai'i supports SB 1151 because it provides the Department of Health the flexibility to recognize other accrediting bodies in addition to The Joint Commission to demonstrate a hospital's compliance with all licensing inspections required by the State of Hawai'i.

We respectfully request the committee PASS SB 1151. Thank you for the opportunity to provide testimony on this important measure.

SB-1151

Submitted on: 2/2/2021 12:58:38 PM

Testimony for HTH on 2/3/2021 1:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dr Susan Nelsen	Testifying for Medical Staff of the Hawaii State Hospital	Oppose	No

Comments:

Dear esteemed members of the Senate,

I testify to you today as the president of the Medical Staff of the Hawaii State Hospital. As you may be aware, in every accredited hospital, the Medical Executive Committee (MEC) of a hospital's medical staff is considered by the federal government to be one of three essential leadership entities, along with the governing body and the hospital's administrative team. These three independent entities are expected to work together to govern the operations of a hospital and the treatments of its patients.

The medical staff of any hospital consists of its licensed independent practitioners (LIPs). LIPs are licensed to practice in a state, and have been granted privileges by a medical staff to practice at a hospital. LIPs are charged with the supervision and quality of the treatments of patients.

Hospital accreditation organizations here in the United States all use the same standards. These are set for hospitals by the federal government via Centers for Medicaid and Medicare Services (CMS). The differences in the organizations are most obvious in the other services provided to the hospital by the accreditation organization, and the rigor used to maintain and monitor these standards.

The Joint Commission is the chosen accreditation organization for over 75% of the hospitals in the United States. It is the organization that accredits the most prestigious hospitals, such as the Mayo Clinic. We consider the legislative statute that mandates the most rigorous accreditation organization (at this time, The Joint Commission) best serves all the people of the state of Hawaii. Choosing a less rigorous organization to reduce costs or make it "easier" for a hospital to be accredited does not serve anyone well.

It is very difficult for sick people to advocate for themselves, and most people have no understanding of the differences between organizations that accredit hospitals. Everyone in the state of Hawaii – patients, families, hospital staff, and visitors – deserve to continue to have The Joint Commission accredit all of appropriate hospitals here in

Hawaii. Accreditation by The Joint Commission ensures every hospital implements the CMS standards at the most rigorous levels.

The Joint Commission differs from other accreditation organizations in its long-standing and extensive commitment to patient safety. The Joint Commission provides ways for anyone – not limited to but including patients, families, and hospital staff – to report concerns. The Joint Commission has repeatedly demonstrated its commitment to investigate all complaints it receives about a hospital; often, surveyors will arrive at a hospital unannounced to follow up on patient safety concerns. We have certainly had “surprise” visits from The Joint Commission here at Hawaii State Hospital. We may not like such visits, but we appreciate and value them.

The Joint Commission also differs from other accreditation programs in its commitment to an independent medical staff. Its implementation of CMS standards reinforce the need for all three elements of hospital leadership to work together. The standards set by The Joint Commission specifically prohibit one hospital leadership entity from unilaterally forcing concessions on another hospital leadership entity.

We, the members of the medical staff at Hawaii State Hospital, truly believe that all patients deserve the best care we can give them. We also maintain that naming The Joint Commission in statute as the accreditation organization for hospitals here in Hawaii is consistent with the best care for all of Hawaii’s residents and visitors.

Thank you.

Respectfully submitted,

Susan Nelsen MD

President of the Medical Staff of the Hawaii State Hospital

SB-1151

Submitted on: 2/2/2021 11:43:17 AM

Testimony for HTH on 2/3/2021 1:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jaime Stevens, MD, MPH	Individual	Oppose	No

Comments:

February 2, 2021

Hawai'i State Legislature

Re: Testimony in Opposition of SB1151

Honourable Senators,

I am a child, adolescent, and adult psychiatrist on O'ahu. I have spent a large portion of my career as an attending caring for patients at Hawai'i State Hospital (HSH) - some of our state's most ill patients.

Quality and safety concerns have been longstanding at HSH and particularly given the history of Department of Justice involvement, I was surprised to see proposed legislation to cease requiring accreditation with The Joint Commission (TJC). TJC, as noted in SB1151, is the accreditation agency whose standards are used by more than three quarters of hospitals nationwide, and is respected internationally (as JCI) as aiding hospitals in achieving and maintaining a high level of patient and staff safety. It is of concern to me as a resident and as a physician that Hawai'i would seek to lower the standards by which we license our hospitals.

I've witnessed and experienced firsthand retaliation against physicians who speak up for patient and staff safety and therefore this testimony is not given lightly. However, like many of my colleagues, advocating for our seriously chronically ill patients - those least able to advocate for themselves - is an ethical obligation regardless of personal and professional risk.

Mahalo nui loa for your consideration in protecting the health and welfare of all of your constituents.

Jaime Stevens, MD, MPH, FAPA

SB-1151

Submitted on: 2/2/2021 1:00:12 PM

Testimony for HTH on 2/3/2021 1:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Marva Lawson	Individual	Oppose	No

Comments:

Marva Lawson, M.D.

3504 Kumu St.

Honolulu, Hawaii 96822

February 2, 2021

Rosalyn H. Baker, Chair

Committee on Commerce and Consumer Protection

Hawaii State Senate

Thirty-First Legislature 2021-2022

415 S. Beretania St.

Honolulu, Hawaii 96813

Jarrett Keohokalole, Chair

Committee on Health

Hawaii State Senate

Thirty-First Legislature 2021-2022

415 S. Beretania St.

Honolulu, Hawaii 96813

Re: SB1151, RELATING TO HOSPITAL LICENSING

Hearing – Wednesday, February 3, 2021; 1:00 pm

Senator Rosalyn H. Baker, Chair

Senator Jarrett Keohokalole, Chair

Dear Senators Baker and Keohokalole: As a constituent and Physician, I OPPOSE SB1151 and urge you to OPPOSE SB1151, RELATING TO HOSPITAL LICENSING. This legislation would “authorize the department of health to recognize additional nationally recognized accreditation or certification organizations to demonstrate a hospital’s compliance with all licensing inspections required by the state.” Although hospitals use The Joint Commission (TJC) for accreditation.”

TJC accredits hospitals (general, psychiatric, children’s, and rehabilitation) and critical access hospitals, and several other health care facilities, Providers, and Laboratories. A health care organization that TJC accredits is viewed internally as complying with the “Gold Standard” to provide the highest quality of care, treatment, and services.

- TJC standards address the hospital’s performance in specific areas and specify requirements to ensure that patient care is provided safely and in a secure environment. TJC develops its standards in consultation with health care experts, providers, researchers, measurement experts, purchasers, and consumers.
- Health care organizations participating in TJC’s accreditation process receive expert educational support from the TJC staff, including Account Executives assigned to the hospital and the laboratory and the surveyors who conduct the unannounced accreditation surveys. TJC-accredited health care organizations are also provided with several free resources that assist the organization in providing continuous improvement in care, treatment, and services.
- TJC provides deeming authority for Medicare certification. TJC can conduct the CMS certification inspection without undergoing separate governmental inspections.

The Joint Commission accreditation is important to all Hawaii hospitals; particularly, Hawaii State Hospital (HSH). People with severe and persistent mental illnesses who have legal encumbrances are admitted under the Department of Health's custody. In the past, The Department of Justice ordered Hawaii State Hospital to maintain TJC accreditation by court order.

In conclusion, TJC accreditation aligns with Hawaii State Hospital's mission, which is "to provide excellent inpatient psychiatric services for court-ordered individuals within a safe and therapeutic environment."

Sincerely,

/Marva Lawson, M.D./

LATE

SB-1151

Submitted on: 2/2/2021 1:19:25 PM

Testimony for HTH on 2/3/2021 1:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Allison Garrett	Individual	Oppose	No

Comments:

I oppose this bill as I believe that continuing to use a single accreditation agency, specifically the Joint Commission, insures that every hospital in Hawaii is held to the same standard. If different agencies with different standards are used for different facilities, we risk inconsistency amongst our healthcare organizations. This places both staff and patients at risk. The most prestigious hospitals in America are all accredited by the Joint Commission thus I believe that continuing to use the same agency in Hawaii insures we are held to the same high standards. To accept anything less lowers standards and safety for patients in Hawaii. Why would we take that risk for our ohana, for ourselves?



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

LATE

The Thirtieth Legislature, State of Hawaii
The Senate
Committee on Health

Testimony by
Hawaii Government Employees Association

February 3, 2020

S.B. 1151 – RELATING TO HOSPITAL LICENSING

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO opposes the intent of S.B. 1151 which allows the Department of Health to recognize additional recognized accredited organizations to demonstrate a hospital's compliance with all licensing inspections required by the State.

Concerns have been raised by employees that the organizations listed may not possess the same high standards as the Joint Commission (JC). Having multiple accreditation organizations would create inconsistent standards for the healthcare system. Further research should be conducted to determine which health care facilities have been accredited by these other organizations and maintain the same high standards as the JC.

Thank you for the opportunity to testify on S.B. 1151.

Respectfully submitted,

Randy Perreira
Executive Director