

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
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**Testimony in SUPPORT of S.B. 1378, SD1
RELATING TO UNLICENSED CARE HOMES.**

REPRESENTATIVE DELLA AU BELATTI, CHAIR
HOUSE COMMITTEE ON HEALTH AND HOMELESSNESS

Hearing Date: Friday, March 17, 2023

Room Number: 329

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department STRONGLY SUPPORTS this administration bill
3 and appreciates the Legislature's support in our mutual aim to safeguard the public, protect aged
4 and vulnerable persons, and ensure quality of care by requiring and enforcing that all residential
5 care homes and other health care facilities, agencies and organizations are licensed pursuant to
6 state law. In addition, the Department appreciates and accepts the technical amendments and
7 clarification made by the Senate Committee on Health and Human Services.

8 The purpose of this bill is to protect the public and, specifically, vulnerable consumers of
9 health care services in residential care facilities throughout the state by expanding the
10 Department's ability to more thoroughly investigate complaints of unlicensed care home
11 activities and to take appropriate enforcement action on bad actors.

12 The Department's strategy is two-fold: 1. investigate complaints and, if substantiated or
13 appropriate, close unlicensed homes; and 2. reduce or eliminate referrals to unlicensed homes.

1 To date, ten (10) unlicensed homes or facilities have been closed and over \$175,000 were
2 collected or is in the process of being collected. Several other investigations are ongoing and
3 over twenty-five (25) Notices of Violation and Order (NOVO) are in draft or awaiting draft.

4 In addition, there are several aging-in-place care homes appearing to masquerade as
5 rental homes with several unrelated tenants all requiring care services. These homes appear to
6 meet the definition of residential care homes, but persons cite the exclusion clause at HRS §321-
7 488 to refuse entry by investigators and avoid the state's enforcement of licensing requirements.
8 One such unlicensed aging-in-place care home refused entry of the Department's investigators
9 who were attempting to conduct a complaint investigation. With the help of the Office of the
10 Attorney General, the Department took the unprecedented step of obtaining and serving a search
11 warrant on the home and gathered evidence that substantiated the allegation of the home being
12 an unlicensed care home. A NOVO was issued and the case is currently on appeal.

13 At a minimum, repealing HRS §321-488 would allow the Department to more thoroughly
14 and timely investigate complaints of unlicensed care home activity. It would also send a
15 powerful message that bad actors cannot hide behind an exclusion clause. Without this repeal,
16 the state is concerned that more of these homes will open or that current licensed care homes will
17 surrender their license and claim the exclusion, thereby increasing the risk of substandard quality
18 of care or living conditions on consumers and our vulnerable population.

19 Without this repeal, caregivers at unlicensed homes would not be checked for credentials
20 to provide proper care or confirmed as having complete background checks. Credentials include
21 care training and CPR, and background checks include criminal history checks and checks on the

1 Adult Protective Services (APS) and Child Abuse and Neglect (CAN) registries at the
2 Department of Human Services.

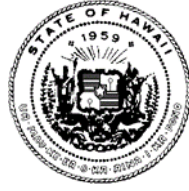
3 In addition, the home is the environment of care and should be inspected along with the
4 caregiver qualifications to ensure optimal health outcomes for consumers. This would prevent
5 consumers who require care from being in accommodations which could be hazardous to their
6 health, safety, or welfare, such as homes or bedrooms without smoke or fire detectors, or
7 inadequate ingress or egress points for persons in wheelchairs or with walkers or other assistive
8 devices to escape in case of fire or other emergency, or cramped and overcrowded bedrooms, or
9 dilapidated living conditions, or home or bedrooms that don't meet county codes for occupancy,
10 or have inadequate utilities.

11 Enforcement activities are a critical component of the state's regulatory efforts to ensure
12 the health, safety, and welfare of consumers and our *kupuna*, and such actions deserve our
13 support.

14 Thank you for the opportunity to testify in STRONG SUPPORT of this administration
15 bill.

16 **Offered Amendments:** None.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
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Honolulu, Hawaii 96809-0339

March 15, 2023

TO: The Honorable Representative Della Au Belatti, Chair
House Committee on Health & Homelessness

FROM: Cathy Betts, Director

SUBJECT: [SB 1378 SD1](#) – RELATING TO HEALTH.

Hearing: Friday, March 17, 2023, 9:00 a.m.
Conference Room 329 & Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) provides comments and defers to the Department of Health.

PURPOSE: The purpose of the bill is to clarify that any person, corporation, or entity is prohibited from knowingly referring or transferring patients to an uncertified or unlicensed care facility. Repeals the landlord exclusion. (SD1) The SD1 made technical amendments.

For the Legislature's information, when DHS receives a report of alleged abuse in a suspected uncertified or unlicensed home or facility, the DHS procedure is to cross-report to the Department of Health, Office of Health Care Assurance. As drafted, the passage of this bill would not change the delivery of services provided by DHS, Adult Protective and Community Services Branch (APCSB).

Thank you for the opportunity to provide comments on this measure.

SB-1378-SD-1

Submitted on: 3/15/2023 3:27:23 PM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michdelle Melendez	Individual	Oppose	Written Testimony Only

Comments:

People have the right to place their elderly where they want. That includes at home. I understand that there have been poorly run care facilities. However, if people do their research they will find the right place. They have a right to keep their family at home. To repeal the landlord exclusion is not right. It is NOT the responsibility of the government to keep run our lives.

SB-1378-SD-1

Submitted on: 3/15/2023 6:49:33 PM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Joanna Weber	Individual	Oppose	Written Testimony Only

Comments:

Please, OPPOSE SB 1378.

MAHALO, JOANNA WEBER

SB-1378-SD-1

Submitted on: 3/15/2023 7:58:06 PM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rita Wong	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE SB 1378

SB-1378-SD-1

Submitted on: 3/15/2023 8:26:13 PM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
tania victorine	Individual	Oppose	Written Testimony Only

Comments:

You cannot dictate where we care for our kupuna.

This is government overreach and like our children, you should have no say in where we know our loved ones will be loved and cared for by people who love them.

SB-1378-SD-1

Submitted on: 3/15/2023 9:12:19 PM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
juhl rayne	Individual	Oppose	Written Testimony Only

Comments:

US humans have the right to place our elderly family members where we want. That includes at home. I understand that there have been poorly run care facilities. However, if people do their research they will find the right place. They have a right to keep their family at home. To repeal the landlord exclusion is not right. It is NOT the responsibility of the government to run our lives.

SB-1378-SD-1

Submitted on: 3/15/2023 9:24:33 PM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mane Futo	Individual	Oppose	Written Testimony Only

Comments:

It is NOT the responsibility of the government to run our lives or make decisions of where our Kupuna should be! Nope, no, no!

SB-1378-SD-1

Submitted on: 3/16/2023 6:52:38 AM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sarah Martins	Individual	Oppose	Written Testimony Only

Comments:

I oppose because it will limit or prevent elderly people being able to be cared for in their own homes. People need to be aware of what is licensed and not; facilities should display their credentials and offer them freely for inspection.

SB-1378-SD-1

Submitted on: 3/16/2023 7:44:51 AM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
noela von	Individual	Oppose	Written Testimony Only

Comments:

I oppose. Thank you.

SB-1378-SD-1

Submitted on: 3/16/2023 8:53:31 AM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ali Ameden	Individual	Oppose	Written Testimony Only

Comments:

Good grief!!! Tiresome to have to fight constantly to live our OWN lives! WHY on earth would you try to interfere with how people care for their OWN relatives? Especially after how you slaughtered the elderly during the "pandemic". Evil, all who complied in that operation pure evil. Hope you enjoy your blood money.

SB-1378-SD-1

Submitted on: 3/16/2023 9:41:46 AM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chase Uwaine	Individual	Oppose	Written Testimony Only

Comments:

People have the right to place their elderly where they want. That includes at home. I understand that there have been poorly run care facilities. However, if people do their research they will find the right place. They have a right to keep their family at home. To repeal the landlord exclusion is not right. It is NOT the responsibility of the government to run our lives.

SB-1378-SD-1

Submitted on: 3/16/2023 10:10:26 AM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jeffrey Willard-Mack	Individual	Oppose	Written Testimony Only

Comments:

People have the right to decide how and where to care for their elderly. That includes at home. I understand that there have been poorly run care facilities. However, if people do their research they will find the right place. They have a right to keep their family at home. To repeal the landlord exclusion is not right. It is NOT the responsibility of the government to run our lives.

SB-1378-SD-1

Submitted on: 3/16/2023 10:22:22 AM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Melissa S. Chang	Individual	Oppose	Written Testimony Only

Comments:

This bill is unconstitutional. It must not be passed!

SB-1378-SD-1

Submitted on: 3/16/2023 10:34:25 AM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jason Klahr	Individual	Oppose	Written Testimony Only

Comments:

I Strongly Oppose SB1378 SD1

Considering the massive deaths around the nation in government susidised elder care facilities, I do not want my option of home care to be removed. Many lisenced care homes were forced by governors to receive covid positive residence in to the home care facilities. This spread a disease to an already compromised population. Also, in a real community, elders have always been assisted in multi generation homes. to pass this bill would further undermine the Ethos of Hawaii.

SB-1378-SD-1

Submitted on: 3/16/2023 11:12:53 AM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Adrienne Hew	Individual	Oppose	Written Testimony Only

Comments:

This is criminal. You know that more people die in licensed care facilities and hospitals since 2020, right?

Let people die with dignity! These kinds of rules killed my father in 2020 and a close friend in 2021, when the governor mandated jabs.

<https://www.nbcnews.com/news/us-news/california-care-home-charged-connection-covid-deaths-rcna75001>

<https://freopp.org/the-covid-19-nursing-home-crisis-by-the-numbers-3a47433c3f70>

<https://www.bmj.com/content/375/bmj.n3132>

SB-1378-SD-1

Submitted on: 3/16/2023 1:03:13 PM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Annie U.	Individual	Oppose	Written Testimony Only

Comments:

People have the right to place their elderly where they want. That includes at home. I understand that there have been poorly run care facilities. However, if people do their research they will find the right place. They have a right to keep their family at home. To repeal the landlord exclusion is not right. It is NOT the responsibility of the government to run our lives.

SB-1378-SD-1

Submitted on: 3/16/2023 1:22:01 PM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Karri Teshima	Individual	Oppose	Written Testimony Only

Comments:

It is my understanding that they want to tell us we cannot care for elderly and non-licensed care facilities. This includes their in their own home this is absurd lately ridiculous for people who cannot afford care homes especially when they care homes don't care about the elderly especially through the corona prices the intentionally and agree just let them die. They want to repeal the landlord exclusion! People should have the right to the side where their elderly are taken if it's in the facility or if it's in the home of a family member again another power control mechanisms. I oppose completely!! People have the right to place your elderly where they want and that includes at home I understand they're gonna pull the rug care facilities they have the right to keep their family at home to appeal the landlord explosion is not right is not responsibility of the government to run our lives. They can't even run the government properly

SB-1378-SD-1

Submitted on: 3/16/2023 2:03:02 PM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Terri Yoshinaga	Individual	Oppose	Written Testimony Only

Comments:

People have the right to place their elderly where they want. That includes at home. I understand that there have been poorly run care facilities. However, if people do their research they will find the right place. They have a right to keep their family at home. To repeal the landlord exclusion is not right. It is NOT the responsibility of the government to run our lives.

SB-1378-SD-1

Submitted on: 3/16/2023 2:32:13 PM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Teresa Lyons	Individual	Oppose	Written Testimony Only

Comments:

People have the right to care for their elderly family members in the comfort of their own homes!

SB-1378-SD-1

Submitted on: 3/16/2023 3:20:10 PM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Paula Blum	Individual	Oppose	Written Testimony Only

Comments:

After watching how Licensed Hospitals treated covid patients by treating them with remdesiver and intubating them aka shutting down they're livers, the word licensed care facility doesn't exude any confidence to me.

SB-1378-SD-1

Submitted on: 3/16/2023 10:21:29 PM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mary Meheula	Individual	Oppose	Written Testimony Only

Comments:

Ohana means family and thats exactly where we should stay as we all age. It is our right to choose and the Government needs to stay out of it.

SB-1378-SD-1

Submitted on: 3/16/2023 11:03:31 PM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mr. & Mrs. O'Neill	Individual	Oppose	Written Testimony Only

Comments:

SB 1378

People have the right to place their elderly where they want. That includes at home. I understand that there have been poorly run care facilities. However, if people do their research they will find the right place. They have a right to keep their family at home. To repeal the landlord exclusion is not right. It is NOT the responsibility of the government to run our lives.

SB-1378-SD-1

Submitted on: 3/17/2023 7:35:31 AM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lei Tata	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because people have the right to place their elderly, their kupuna where they want. That includes at home!! I understand that there have been poorly run CARE facilities. However, if people do their research they will find the right place. This is something that my family did when we were tasked with finding a suitable CARE facility for my grandmother. It took all of us sharing the load to find the proper, loving CARE facility for her. Families have a right to keep their family at home. To repeal the landlord exclusion is not right. It is NOT the responsibility of the government to run our lives.

SB-1378-SD-1

Submitted on: 3/17/2023 9:32:56 AM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
kari Larson	Individual	Oppose	Written Testimony Only

Comments:

People have the right to place there elders where they want

SB-1378-SD-1

Submitted on: 3/17/2023 9:40:31 AM

Testimony for HLT on 3/17/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mabelle Bastien	Individual	Oppose	Written Testimony Only

Comments:

People have the right to place their elderly where they want. That includes at home. I understand that there have been poorly run care facilities. However, if people do their research they will find the right place. They have a right to keep their family at home. To repeal the landlord exclusion is not right. It is NOT the responsibility of the government to run our lives.