

Honolulu, Hawaii

APR 27 2023

RE: S.B. No. 1378
S.D. 1
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1378, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO UNLICENSED CARE HOMES,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Clarify that it shall be unlawful for any person, corporation, or entity to negligently refer or transfer patients to an uncertified or unlicensed care facility; and
- (2) Repeal the provision that a landlord, under specified conditions, shall not be deemed to be providing home care services or operating a care facility that requires a license.



Your Committee on Conference finds that that unlicensed care homes endanger the health and safety of Hawaii's most vulnerable populations, including kupuna. Despite the dangers these care homes pose, licensed care operators and other persons continue to refer or transfer patients to care homes that, unbeknownst to the patient, are unlicensed. In addition, an existing statutory provision that waives the requirement for licensure for certain landlords that would otherwise qualify as providing home care services or operating a care facility prevents the Department of Health from regulating these unlicensed care providers. Further safeguards are therefore necessary to ensure quality care for, and to protect the welfare of, Hawaii's vulnerable populations.

Your Committee on Conference has amended this measure by:

- (1) Specifying that it shall be unlawful for any person, corporation, or entity to knowingly, rather than negligently, refer or transfer patients to an uncertified or unlicensed care facility;
- (2) Amending section 1 to reflect its amended purpose;
- (3) Inserting an effective date of July 1, 2023; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1378, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1378, S.D. 1, H.D. 1, C.D. 1.




Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



DELLA AU BELATTI
Co-Chair



HENRY J.C. AQUINO
Chair



MARK M. NAKASHIMA
Co-Chair



JARRETT KEOHOKALOLE
Co-Chair



KARL RHOADS
Co-Chair

