

STAND. COM. REP. NO.

1889

Honolulu, Hawaii

APR 03 , 2023

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

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

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 1378, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Clarify who is prohibited from knowingly referring or transferring 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 received testimony in support of this measure from the Department of Health and one individual. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that the prevalence of unlicensed care homes and facilities in the State continues to pose significant health and consumer protection issues for Hawaii's elderly and

2023-3110 SB1378 HD1 HSCR HMSO



vulnerable populations. The Department of Health continues to take enforcement actions to protect the public, which are critical components of the State's regulatory efforts for consumer protection. This measure aims to provide additional safeguards for the public, protect aged and vulnerable persons, and ensure quality of care by expanding the Department of Health's ability to more thoroughly investigate complaints and enforce the requirement that all residential care homes and other health care facilities, agencies, and organizations be licensed.

Your Committee has amended this measure by:

- (1) Specifying that the legal standard for the unlawful act of referring or transferring patients to an uncertified or unlicensed care facility is negligence, rather than requiring an intent of knowingly for such unlawful acts;
- (2) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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

Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,



MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: <b>SB 1378 SDI</b>	Committee Referral: <b>HLT, CPC</b>	Date: <b>03-30-23</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	/			
2. SAYAMA, Jackson D. (VC)	/			
3. AMATO, Terez	/			
4. BELATTI, Della Au				/
5. HASHEM, Mark J.	/			
6. HUSSEY-BURDICK, Natalia	/			
7. GATES, Cedric Asuega	/			
8. LOWEN, Nicole E.	/			
9. ONISHI, Richard H.K.	/			
10. TAM, Adrian K.	/			
11. PIERICK, Elijah	/			
<b>TOTAL (11)</b>	<b>10</b>			<b>1</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				