

STAND. COM. REP. NO.

1407

Honolulu, Hawaii

MAR 21, 2023

RE: S.B. No. 1378
S.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 Health & Homelessness, 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. Your Committee received testimony in opposition to this measure from sixteen individuals. 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



vulnerable populations. Although to date, the Department of Health has conducted over two hundred investigations and closed ten unlicensed care homes or facilities, licensed care home operators and other persons continue to refer or transfer patients to unlicensed facilities. This measure aims to provide additional safeguards for the public by protecting aged and vulnerable persons and ensuring quality of care by clarifying the types of persons or entities who are prohibited from knowingly referring patients to uncertified or unlicensed care facilities.

This measure also repeals an exclusion that has allowed bad actors to operate care homes without a license. Without the repeal proposed by this measure, caregivers at unlicensed care homes cannot be checked for credentials to provide proper care or confirmed as having complete background checks. This substantially increases the risk of substandard quality of care or living conditions on the State's vulnerable population.

As affirmed by the record of votes of the members of your Committee on Health & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1378, S.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Health &
Homelessness,

DELLA AU BELATTI

DELLA AU BELATTI, Chair



