

STAND. COM. REP. NO. 479

Honolulu, Hawaii

FEB 17 2023

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

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

Sir:

Your Committee on Health and Human Services, to which was referred S.B. No. 1378 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to expand protections for vulnerable senior citizens, the public at large, and residents of care homes by:

- (1) Clarifying that any person, corporation, or entity is prohibited from knowingly referring or transferring patients to an uncertified or unlicensed care facility; and
- (2) Repealing the landlord exclusion.

Your Committee received testimony in support of this measure from the Department of Health and Alliance of Professional Primary Care Administration.

Your Committee finds that investigations by the Department of Health have revealed numerous unlicensed care homes in the State, which pose a danger to the public and to frail, elderly, and vulnerable populations. However, licensed care home operators continue to refer or transfer patients to unlicensed care homes unbeknownst to patients. Additionally, at least twenty-one



unlicensed care homes have used the landlord exclusion to avoid the Department of Health's consumer protections through its regulatory oversight. This measure promotes the quality of care for the public by expanding the Department of Health's ability to investigate complaints and take appropriate enforcement actions.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1378, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1378, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Health and Human  
Services,



JOY A. SAN BUENAVENTURA, Chair



