

STAND. COM. REP. NO.

991

Honolulu, Hawaii

MAR 03 , 2023

RE: H.B. No. 914
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 Judiciary & Hawaiian Affairs, to which was referred H.B. No. 914, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require the Department of Health to prioritize complaint allegations based on severity for inspections of state-licensed or state-certified care facilities;
- (2) Clarify who is prohibited from knowingly referring or transferring patients to an uncertified or unlicensed care facility; and
- (3) 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, Kūpuna Caucus of the Democratic Party of Hawai'i, Adult Foster Homecare Association of Hawaii, United Caregivers of Hawaii, Community Homecare Association of Hawaii, Alliance of Professional Primary Care Administrators,

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Provider Helping Hands of Hawaii, and five individuals. Your Committee received testimony in opposition to this measure from the Hawaii Substance Abuse Coalition. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that although there are nearly two thousand licensed legal long-term care facilities serving approximately thirteen thousand residents, many care facilities continue to operate without a license or certification by the Department of Health. Your Committee further finds that since December 2019, the Department of Health has closed at least seven unlicensed adult residential care homes and two unlicensed special treatment facilities or therapeutic living programs and imposed over \$800,000 in fines. However, certain licensed care home operators and other persons continue to refer or transfer patients to unlicensed care homes and facilities, a practice that can cost patients thousands of dollars and endanger patient health and safety. Your Committee finds this measure would bolster the Department of Health's enforcement activities against unlicensed care facilities by expanding the Department'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.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 914, H.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



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Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 914, HD1	Committee Referral: HLT, CPC, JHA	Date: 3/1/2023		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input 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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. TAKAYAMA, Gregg (VC)	✓			
3. GANADEN, Sonny	—			
4. HOLT, Daniel	—			
5. HASHIMOTO, Troy N.	✓			
6. ICHIYAMA, Linda				✓
7. ILAGAN, Greggor	—			
8. KONG, Sam Satoru	—			
9. MIZUNO, John M.	—			
10. SOUZA, Kanani	✓			
TOTAL (10)	9	-	-	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				