

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
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**Testimony in SUPPORT of H.B. 914
RELATING TO HEALTH.**

REPRESENTATIVE DELLA AU BELATTI, CHAIR
HOUSE COMMITTEE ON HEALTH AND HOMELESSNESS

Hearing Date: Wednesday, February 8, 2023

Room Number: 329

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department STRONGLY SUPPORTS this bill and appreciates
3 the Legislature's support in our mutual aim to safeguard the public, protect aged and vulnerable
4 persons, and ensure quality of care by requiring and enforcing that all residential care homes and
5 other health care facilities, agencies and organizations are licensed pursuant to state law.

6 The purpose of this bill is to protect the public and, specifically, vulnerable consumers of
7 health care services in residential care facilities throughout the state by expanding the
8 Department's ability to more thoroughly investigate complaints of unlicensed care home
9 activities and to take appropriate enforcement action on bad actors.

10 The Department's strategy is two-fold: 1. investigate complaints and, if substantiated,
11 close unlicensed homes; and 2. reduce or eliminate referrals to unlicensed homes.

12 Ten (10) unlicensed homes or facilities have been closed and over \$175,000 were
13 collected or is in the process of being collected. Several other investigations are ongoing and
14 over twenty-five (25) Notices of Violation and Order (NOVO) are in draft or awaiting draft.

1 In addition, there are a number of so-called aging-in-place care homes appearing to
2 masquerade as rental homes with several unrelated tenants all requiring care services. These
3 homes appear to meet the definition of residential care homes, but persons cite the exclusion
4 clause at HRS §321-488 to refuse entry by investigators and avoid the state's enforcement of
5 licensing requirements. One such unlicensed aging-in-place care home refused entry of the
6 Department's investigators who were attempting to conduct a complaint investigation. With the
7 help of the Office of the Attorney General, the Department took the unprecedented step of
8 obtaining and serving a search warrant on the home and gathered evidence to substantiate the
9 allegation of the home being an unlicensed care home. A NOVO was issued and the case is
10 currently on appeal.

11 At a minimum, repealing HRS §321-488 would allow the Department to more thoroughly
12 and timely investigate complaints of unlicensed care home activity. It would also send a
13 powerful message that bad actors cannot hide behind an exclusion clause. Without this repeal,
14 the state is concerned that more of these homes will open or that current licensed care homes will
15 surrender their license and claim the exclusion, thereby increasing the risk of substandard quality
16 of care or living conditions on consumers and our vulnerable population. The home is the
17 environment of care and should be inspected along with the caregiver services to ensure optimal
18 health outcomes for consumers. This would prevent consumers who require care from being in
19 accommodations which could be hazardous to their health, safety, or welfare, such as homes or
20 bedrooms without smoke or fire detectors, or inadequate ingress or egress points for persons in
21 wheelchairs or with walkers or other assistive devices to escape in case of fire or other

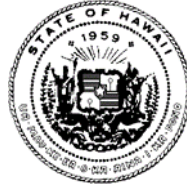
1 emergency, or cramped and overcrowded bedrooms, or dilapidated living conditions, or home or
2 bedrooms that don't meet county codes for occupancy, or have inadequate utilities.

3 Enforcement activities are a critical component of the state's regulatory efforts to ensure
4 the health, safety, and welfare of consumers and our *kupuna*, and such actions deserve our
5 support.

6 Thank you for the opportunity to testify in STRONG SUPPORT of this bill.

7 **Offered Amendments:** None.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 6, 2023

TO: The Honorable Representative Della Au Belatti, Chair
House Committee on Health & Homelessness

FROM: Cathy Betts, Director

SUBJECT: **HB 914 – RELATING TO HEALTH.**

Hearing: Wednesday, February 8, 2023, 9:45 a.m.
Conference Room 329 & Videoconferencing, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) provides comments and defers to the Department of Health.

PURPOSE: The purpose of the bill is to clarify who is prohibited from knowingly referring or transferring patients to an uncertified or unlicensed care facility. Repeals the landlord exclusion. Requires the Department of Health to prioritize complaint allegations based on severity for inspections of state-licensed or state-certified care facilities.

For the Legislature's information, when DHS receives a report of alleged abuse in a suspected uncertified or unlicensed home or facility, the DHS procedure is to cross-report to the Department of Health, Office of Health Care Assurance. As drafted, the passage of this bill would not change the delivery of services provided by DHS, Adult Protective and Community Services Branch (APCSB).

Thank you for the opportunity to provide comments on this measure.



HB914 Refer to Unlicensed Facility, Fine for Counselors

COMMITTEE ON HEALTH & HOMELESSNESS

Rep. Della Au Belatti, Chair

Rep. Jenna Takenouchi, Vice Chair

Wednesday, Feb 8 2023: 9:45 : Room 329 Videoconference

Hawaii Substance Abuse Coalition Opposes HB914:

ALOHA CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment, prevention, and recovery services.

The bill language is too vague.

- 1. The term “knowingly” is not clearly defined as who determines that.**
 - Best to explain it well so as not to be subject to different state worker’s interpretation.
- 2. Some care facilities are not required to be licensed, which should not fall under this bill so that needs to be clarified.**
- 3. It is the state’s job to license, monitor or close inappropriate facilities, not our agency or staff.**
- 4. Agencies and staff are not in a position to make a difference here.**
 - As licensed facilities lose or gain licensure, agencies and especially staff would not know.
 - In regard to licensing, the state issues temporary licensures and even that it takes months before the paperwork is done.
 - Sometimes licensures are about to expired because the state hasn’t monitored yet so the state issues extensions, but the formal paperwork can take months, which puts a facility at risk.
- 5. The state doesn’t inform providers who is licensed or not.**

- The state could start by informing all providers about which ones are required to be licensed, what are the licensed care facilities, and keep the website updated.
- A communication plan would help to inform everyone to go to a website to look at an updated list of licensed providers. This is a better compassionate start than a punitive plan.

If a staff or agency is accepting kickbacks, then they are violating the law and subject to legal actions and fines.

- If this is what this bill is about then needs clarification.

SUMMARY

Closing down unlicensed facilities that are required to be licensed is a good idea, but it is a challenge for struggling agencies and hard-working staff to do the State's job.

We understand that the state is overwhelmed with work and understaffed, but let's find a solution where we work together as licensed care givers and state agencies so as to not pit one another against another.

Please provide much more clarity.

We appreciate the opportunity to provide testimony and can answer any questions.

THE KŪPUNA CAUCUS



Feb 6th for HLT_02-08-23

TO: COMMITTEE ON HEALTH & HOMELESSNESS

Rep. Della Au Belatti, Chair

Rep. Jenna Takenouchi, Vice Chair

CONCERNING: HB1031 (Penalties Unlicensed Care Homes), HB914 (Health), HB872 (Healthy Aging Partnership), HB278 (Relating to Health), HB838 (Relating to Long Term Care)

POSITION: Full Support

Aloha Chair Belatti, Vice Chair Takenouchi, and Members of the Committee

The Kupuna Caucus of the Democratic Party of Hawaii supports the bills listed above.

The Caucus feels strongly that any measures which prevent Kupuna from being placed in an unlicensed care home, either willingly or unwillingly should be passed. Too many people take advantage of Kupuna in so many ways, their care and wellbeing should be one of the States most important concerns.

Along those lines, Long Term Care is becoming one of the most important issues for all Kupuna and their families all over the country as well as here in Hawaii. As the population of our nation ages and the birth rates go down the issue of long term care for our elders is affecting us all. This is of special concern to those Kupuna who have little or no family, and/or limited finances. Homelessness is sad enough, but a homeless Kupuna is one of the most heartbreaking sights in our state. This is not consistent with the Hawaiian cultural traditions for Kupuna.

Keeping Kupuna as healthy as possible requires the coordination of many services and departments so any bills which assist those efforts are very necessary.

Finally, Alzheimer's disease is one of the most tragic disabilities that can affect any human being. When it happens to a mother or father the family is forced to watch their beloved elder slowly wither away into a state of confusion and loss. When people are ignorant of the symptoms or the possible progress it can be a devastating shock.

Please vote to pass these bills.

Martha Randolph for The Kupuna Caucus

HB-914

Submitted on: 2/6/2023 8:41:09 PM

Testimony for HLT on 2/8/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Shari R. Lynn	Individual	Oppose	Written Testimony Only

Comments:

We oppose this bill which limits resources needed to address addiction solutions in a field that is already provider reduced. Lets resolve to find ways to help each other continue to do the good work we do.

Dear Legislator,

I strongly support HB 914 to raise our reimbursement rate. We have not received an increase for over 17 years.

It's been so hard to keep up with all the things that are happening in my life. Especially the mortgage payments and bills that need to be paid at the end of the month. Over the years, it was difficult to keep my organization (Ganancial Foster Home, LLC) open. We keep it open because we care for each individual that falls under our care and many more in the future. But it isn't easy to take care of a client 24 hours of the day even when there's more than one under the same caregiver. We caregivers are responsible in the morning, afternoon, and night to ensure not only the safety of our clients but the physical and mental status in which they are under our care. We help them in every way possible such as transporting them, scheduling their doctor appointments, washing their bodies, entertaining them, cooking for them and everything else. Holidays and weekends aren't even an exception. We caregivers work hard and provide genuine care.

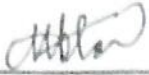


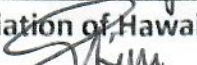
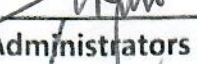
Please help us, we are struggling because the price for everything is going up.

Thank you for supporting HB 914

Daisy Ganancial
92-366 Waiomea St.
(808)232-4020
daisy.ganancial@yahoo.com

TESTIMONY ON HB914 IN SUPPORT

The Presidents of:

1.  Maribel B. Tan, President, Adult Foster Homecare Association of Hawaii (AFHA of HI)
2.  Carina Ocampo, President, United Caregivers of Hawaii (UCH)
3.  Lemmy Maluyo, President, Community Homecare Association of Hawaii (CHCAH)
4.  Elma Tierra, President, Alliance of Professional Primary Care Administrators (APPCA)
5.  Menchie Dawang, President, Providers Helping Hands of Hawaii, (PH3)

We submit testimony as a coalition in support to HB914. We are the Presidents from five organizations representing nearly 85% of the community caregiver industry.

We support HB914, because this bill will provide stronger language to help the department of health to close down the illegal, unlicensed, and uncertified care homes in Hawaii. These illegal care homes do not pay taxes, and their operators do not have background checks, they have no insurance, no review from the department of health, no inspections, and charge private patients over \$10,000 to \$15,000 per month. Important to provide that once these private pay patients spend down their life saving, they are kicked out of these illegal care homes and are forced to become qualified under Medicaid.

For the reasons provided, we request that you pass HB914.

February 7, 2023

Dear Legislator,

I strongly support the HB1081 and HB 914. As a PCG of adult Foster Home, we are only allowed to have 1 private client. In the meantime, there are other care homes that are operating illegally with multiple private clients (as many as 5). In these facilities, these clients are not safe. The Department of Health are not actively involved with these illegal care homes. For safety reasons, we support this bill so that the clients are put in safer facilities.

I humbly ask the legislator to support us by reviewing HB1081 and HB 914 and granting our request.

Thank you,

Mercy Esteban

CCFFH PCG_CNA

Email: babypandan63@yahoo.com

Betty Vera Cruz

3611 Aliamanu St.

Honolulu, Hawaii 96818

Mari Angelene D.Maluyo

PCG,CNA

2215 Auhuhu St PC Hi,96782

Email: Angiedumal@yahoo.com

Janeth Dulig PCG,CNA

Email: Janethdulig@yahoo.com

HB-914

Submitted on: 2/7/2023 6:56:22 PM

Testimony for HLT on 2/8/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Carina Ocampo	United Caregivers of Hawaii	Support	Written Testimony Only

Comments:

I am in support of HB914 that unlicensed care homes should not render health care services.

HB-914

Submitted on: 2/7/2023 7:42:05 PM

Testimony for HLT on 2/8/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Myungsuk	Individual	Comments	Written Testimony Only

Comments:

We want fair legal action. We should work with a license rightfully and legally.

HB-914

Submitted on: 2/7/2023 2:50:51 PM

Testimony for HLT on 2/8/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Cherille Balagat	Individual	Oppose	In Person

Comments:

I'm not supporting this bill because they are not supposed to dispose client to un
lisence caregiver because it's dangerous to resident and not fair to those that have lisence.

To: Representative Della Au Belatti
Health and Homelessness Committee Chair
Representative Jenna Takenouchi
Health and Homelessness Committee Vice Chair

From: Wannette Gaylord
ARCA President

Date: February 8, 2023

Re: **HB 914** – Relating to Health **IN STRONG SUPPORT**

I humbly request that your committee pass HB 914 to maintain the safety and wellbeing of our disabled and frail kupuna. The current statutes are enabling abuse and neglect to our most vulnerable population.

I believe that all facilities that perform any type of hands on care, no matter if it's for two or a thousand people, should be required to be licensed by the State of Hawaii, Department of Health to maintain the necessary standards of care for everyone. I am in strong SUPPORT of HB 914 that will 1) Allow the Department of Health to do their due diligence in enforcing oversight, and Prohibit health care providers from knowingly referring or transferring patients to uncertified or unlicensed care facilities

Mahalo for allowing me to submit my testimony in **STRONG SUPPORT of HB 914.**

ADULT FOSTER HOMECARE ASSOCIATION OF HAWAII

P.O. Box 970092, Waipahu, Hawai'i 96797

February 8, 2023

Maribel Tan
President

Testimony in Support of HB 914 – HLT - Feb. 8, 2023, 9:45 a.m., Rm. 329

Chair Belatti, Vice Chair Takenouchi, and Members of the Committee:

The Adult Foster Homecare Association of Hawaii (AFHA) **strongly supports HB 914**, which places some responsibility on those who knowingly refer or transport vulnerable individuals to unlicensed care facilities. HB 914 also requires the Department of Health to prioritize complaint allegations of actual harm.

We thank the legislators for enacting laws penalizing illegal care facilities and the agencies that enforce the laws. The illegal care facilities should not continue to operate. However, we must also address the referral sources to the illegal care facilities.

We need stronger laws against unlicensed care facilities, which are a threat to our Kupuna and disabled. These unlicensed “private” homes have no oversight whatsoever. They purport to provide 24/7 care services, but there is no quality assurance. They may have no training or education in providing care. Families who are looking for care for their Kupuna are often emotional and desperate. These unlicensed “private” homes prey upon the emotions of the Kupuna.

Please protect our Kupuna and disabled by **strongly supporting HB 914**.

Very truly yours,

Maribel Tan
President

About AFHA

The Adult Foster Home Association of Hawaii (AFHA) is the industry trade association of providers under the Community Care Foster Family Home program under the Department of Human Services, State of Hawaii. With a membership of almost 750 providers, AFHA’s mission is to promote the interests of providers as well as resident clients. AFHA members provide 24-hour care to resident clients 7 days a week, 365 days a year.

HB-914

Submitted on: 2/8/2023 9:33:16 AM

Testimony for HLT on 2/8/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
MYRIAM TABANIAG	Alliance of Professional Primary Care Administrators	Support	Written Testimony Only

Comments:

The organization strongly support the intent of HB914. The Caregiving industry is a regulated industry in the State so whoever operates a care home without a license or certificate is violating the law and continue to pose significant health and consumer protection issues for Hawaii's elderly and vulnerable populations. Thank you for the opportunity to testify.

HB-914

Submitted on: 2/8/2023 11:06:57 AM

Testimony for HLT on 2/8/2023 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
bernadette firme	united caregiver of hawaii- uch	Support	Written Testimony Only

Comments:

STRONGLY IN SUPPORT THIS HB914 BILL TO PREVENT CM, SW, FAMILIES AND OTHER REFERRING AGENCIES TO REFER OR DISCHARGE CLIENTS TO ILLEGAL CAREHOMES TO BE WORKING HARD FOLLOWING THE LAWS .

HOPE THIS WILL BE GRANTED

THANK YOU