

STAND. COM. REP. NO.

1746

Honolulu, Hawaii

, 2025

APR 01

RE: S.B. No. 1438
S.D. 1
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Consumer Protection & Commerce, to which
was referred S.B. No. 1438, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HOME CARE AGENCIES,"

begs leave to report as follows:

The purpose of this measure is to prohibit home health care
agencies from providing services outside the scope of their
facility 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 the Libertarian Party of Hawaii
and one individual.

Your Committee finds that home care agencies are entities
that provide personal care services, homemaker services, and
respite care to clients in their homes. These agencies provide
essential services to individuals who require assistance with
daily living activities, allowing individuals to remain in their
homes while receiving necessary care. However, your Committee
further finds that some home care agencies are providing nursing
services, which require specialized training, that are rendered by
individuals who are not licensed under state law to engage in the
practice of nursing. To bolster the State's ability to protect

2025-2951 SB1438 HD1 HSCR HMSO



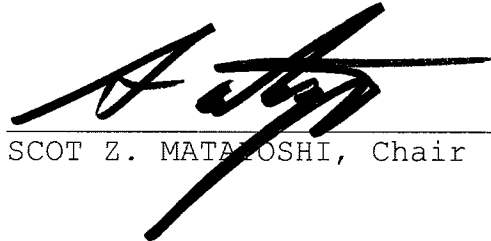
patient safety, this measure clarifies the scope of the home care agency license and authorizes the Department of Health to take enforcement action against home care agencies that are providing services outside of the scope of their license.

Your Committee has amended this measure by:

- (1) Changing the effective date to upon approval; and
- (2) 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. 1438, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1438, S.D. 1, H.D. 1.

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



SCOT Z. MATSUMOTO, Chair



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Bill/Resolution No.: SB 1438, SD1		Committee Referral: HLT, CPC		Date: 3/25/25	
<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. MATAYOSHI, Scot Z. (C)		✓			
2. CHUN, Cory M. (VC)		✓			
3. ILAGAN, Greggor		✓			
4. ICHIYAMA, Linda					✓
5. IWAMOTO, Kim Coco		✓			
6. KONG, Sam Satoru		✓			
7. LOWEN, Nicole E.		✓			
8. MARTEN, Lisa		✓			
9. TAM, Adrian K.		✓			
10. PIERICK, Elijah				✓	
TOTAL (10)		8		1	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature: _____					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					