

Honolulu, Hawaii

FEB 27 2025

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

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

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

begs leave to report as follows:

The purpose and intent of this measure is to prohibit home 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 and two individuals.

Your Committee finds that services authorized to be provided under a home care agency license do not include services that would otherwise require a nursing license pursuant to chapter 457, Hawaii Revised Statutes. Despite this limitation, some operators of home care agencies are providing skilled nursing services that are not being rendered by licensed nurses, putting patients' safety at risk. This measure will enable the Department of Health to pursue enforcement actions against home care agencies that provide unauthorized services without the requisite licensure, thereby increasing public safety and ensuring home care agencies do not exceed the scope of their authorized services.

Your Committee has amended this measure by:



- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1438, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1438, S.D. 1.

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



JARRETT KEOHOKALOLE, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

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|---|--|---|------------|----------------|
| Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 1438</div> | Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HHS, CPN</div> | Date: <div style="font-size: 1.2em; font-family: cursive;">2/19/25</div> | | |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div> | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| KEOHOKALOLE, Jarrett (C) | ✓ | | | |
| FUKUNAGA, Carol (VC) | ✓ | | | |
| MCKELVEY, Angus L.K. | ✓ | | | |
| RICHARDS, III, Herbert M. "Tim" | | | | ✓ |
| AWA, Brenton | | | ✓ | |
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| TOTAL | 3 | | 1 | 1 |
| Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div> | | | | |
| Chair's or Designee's Signature: <div style="font-size: 1.2em; font-family: cursive; margin-top: 10px;">Carol Fukunaga</div> | | | | |
| Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div> | | | | |

***Only one measure per Record of Votes**