

SB 1114

Measure Title: RELATING TO HEALTH.

Report Title: Online Posting of Inspection Reports of Care Facilities

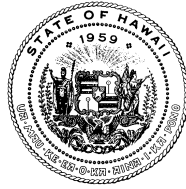
Description: Extends the date by which the Department of Health must post inspection reports for state-licensed care facilities by six months and increases the number of days to post the reports, as recommended by a legislative task force.

Companion: [HB945](#)

Package: Governor

Current Referral: HMS, CPH

Introducer(s): KIM (Introduced by request of another party)



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of SB1114
RELATING TO HEALTH**

SENATOR SUZANNE CHUN OAKLAND, CHAIR
SENATE COMMITTEE ON HUMAN SERVICES

Hearing Date: Thursday, February 11, 2016 Room Number: 016

1 **Fiscal Implications:** None.

2 **Department Testimony:** Thank you for the opportunity to testify in STRONG SUPPORT of
3 this bill.

4 This bill contains recommendation from a working group on health care facilities
5 authorized by Act 213, Session Laws of Hawaii (SLH) 2013. Specifically, it provides additional
6 time for the department to complete the inspection report process by allowing the department the
7 time to obtain a response from the licensed health care facility on any deficiencies found during
8 inspection surveys. Currently, statute requires the posting of inspection reports with five (5)
9 days of the completion of the inspection but the statute is unclear whether this time period is
10 from when the surveyors exit the facility, when the inspection report is written, or when the
11 department issues the inspection report to the facilities for their response. This bill clarifies the
12 time period by allowing 30 days after the department issues the report to the facilities. This is
13 important because it allows the department to gather for public inspection sufficient information
14 on the department's findings during the inspection as well as on how and when the facilities will
15 correct any deficiencies. Members of the public will be able to make better and more informed

1 decisions on healthcare facilities once they see the department's inspection findings and the
2 facilities' correction actions.

3 The department has already begun to post inspection reports on almost all of the
4 healthcare facilities required under the current statutory language, and will continue to do so.
5 This includes inspection reports from inspections performed on or after January 1, 2015. More
6 than a thousand inspection reports have been posted so far on adult residential care homes,
7 expanded adult residential care homes, community care foster family homes, adult foster homes,
8 adult day care centers, skilled nursing facilities, intermediate care facilities for individuals with
9 intellectual disabilities, and others.

10 Thank you for the opportunity to allow the department to **STRONGLY SUPPORT** this
11 measure.

12 **Offered Amendments:** None.

From: HMS Testimony
To: RE: SB1114
Subject:

From: Jim Shon **Sent:** Wednesday, February 10, 2016 7:59 AM **To:** Sen. Suzanne Chun
Oakland
Subject: SB1114

Oppose this bill. Need to find ways for DOH to comply with existing law. Don't understand their inability, after so many broken promises.
Please defer this bill.

I see this as one of many bills compromising transparency, openness, citizen participation and due process. There are a number in education as well.
The Charter Commission wants permission to skirt Ch 91 and 92. Seems to be a trend that should not be encouraged.

Mahalo

Dr. Jim Shon, Director
Hawaii Educational Policy Center
www.manoa.hawaii.edu/hepc



Hawaii's Voice for a Better Future

COMMITTEE ON HUMAN SERVICES
Senator Suzanne Chun Oakland, Chair
Senator Gil Riviere, Vice Chair

SB1114

HMS

Thursday, February 11, 2016

1:20 p.m.

Room 016

February 10, 2016

Re: SB1114 Extends the date by which the Department of Health must post inspection reports for state-licensed care facilities

In Opposition

Dear Sen. Chun Oakland, Sen. Riviere and members of the Committee:

When a spouse or parent is about to be discharged from a hospital, many families need to quickly choose which permanent or temporary care home placement is best. On-line posting of all inspection reports fulfills the need for information, and that is why the Legislature passed the law in 2013 requiring the prompt posting of all reports. SB1114 effectively repeals that law by making posting optional and allowing unneeded delays.

In the past, families had to request individual inspection reports and pay for each one, a process that was time consuming if they received the reports at all. It could take weeks to get a report, time that they did not have.

Clearly, this law was justified in 2013 and on-line posting of this information is still critical to the well-being of our kupuna today.

Despite the long lead time before the law became effective on January 1, 2015, the Department of Health did not spend the \$148,000 that the Legislature had allocated for two positions and did not post the reports. Now many reports (but far from all) have been posted due to the pressure of UIPA requests placed with DOH by Kokua Council.

Our objective remains that DOH promptly post each and every care home inspection report.

Kokua Council strongly recommends that the Committee reject this bill.

Marc Delorme
President, Kokua Council

From: mailinglist@capitol.hawaii.gov
To: [HMS Testimony](#)
Cc: begoniabarry@gmail.com
Subject: Submitted testimony for SB1114 on Feb 11, 2016 13:20PM
Date: Wednesday, February 10, 2016 2:17:43 PM

SB1114

Submitted on: 2/10/2016

Testimony for HMS on Feb 11, 2016 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry	Individual	Oppose	No

Comments: Aloha, I strongly oppose this Bill. The waiting times for vital information should become shorter, not longer. Why would anyone in their right mind want to make it longer? Mahalo,

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Larry Geller
Honolulu, HI 96817

February 10, 2016

COMMITTEE ON HUMAN SERVICES
Senator Suzanne Chun Oakland, Chair
Senator Gil Riviere, Vice Chair

Re: SB1114 Extends the date by which the Department of Health must post inspection reports for state-licensed care facilities

In Opposition

Dear Sen. Chun Oakland, Sen. Riviere and members of the Committee:

In 2013 the Legislature passed a law requiring the Department of Health to post care home inspection reports on their website starting January 1, 2015. The need for the reports to be posted was clear then and is still valid now--**families need current information when they have to choose a care home for a spouse or family member with very short notice.**

This bill would **completely neuter the current law** and effectively repeals it by making posting optional, leaving families in the dark at a time when they need information the most.

Typically, a decision on placement must be made at the point of discharge from a hospital. Due to pressure to free up the bed, there is little time to select and perhaps visit a care home. The ability to review inspection reports on-line now enables families to efficiently decide. The availability of reports should also contribute to freeing up hospital beds more expeditiously.

If this bill becomes law, families will be forced to return to requesting individual reports which may take weeks to get and for which they are required to pay. The reports are public records and must be turned over, but the time and expense of obtaining them one-by-one is no longer tenable. **The Legislature agreed with advocates and individuals who understood the need to have them posted on-line for quick access.**

The DOH did not hire two positions for which the Legislature allocated \$148,000 and so finds itself at this point complaining about the burden of posting the reports. Had those positions been filled as the Legislature intended, reports could easily have been posted as the law requires. Not filling the positions should not be condoned by eliminating the requirement to post reports.

Many reports (but not yet all) are now available on-line due to pressure from Kokua Council advocates. **It can be done.** These reports should continue to be available to the public.

Please do not pass this bill.

--Larry Geller

From: mailinglist@capitol.hawaii.gov
To: [HMS Testimony](#)
Cc: svickery@hawaii.rr.com
Subject: Submitted testimony for SB1114 on Feb 11, 2016 13:20PM
Date: Wednesday, February 10, 2016 10:35:25 AM

SB1114

Submitted on: 2/10/2016

Testimony for HMS on Feb 11, 2016 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Vickery	Individual	Oppose	No

Comments: We need to know and have access to public records relating to Home Health Care.

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From: mailinglist@capitol.hawaii.gov
To: [HMS Testimony](#)
Cc: lady.flach@gmail.com
Subject: Submitted testimony for SB1114 on Feb 11, 2016 13:20PM
Date: Wednesday, February 10, 2016 10:13:46 AM

SB1114

Submitted on: 2/10/2016

Testimony for HMS on Feb 11, 2016 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Oppose	No

Comments: Kill SB 1114!

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To: Senate committee on Human Services & Housing, Senator Suzanne Chun Oakland, Chair
Senate committee on Consumer Protection & Health, Senator Roz Baker, Chair

Date: Wednesday, February 10, 2015

Re: SB 1114, Relating to Online Posting of Inspection Reports of Care Facilities

Chair Chun Oakland, Chair Baker, and members of the committees:

My name is T. J. Davies Jr. and I am writing in OPPOSITION of SB 1114, Relating to Caregiving.

I am an extended family caregiver current Plenary Guardian for my 52-year old son and I know how important it is for caregivers to be able to evaluate nursing facilities to care for their loved ones.

This bill is flagrantly rewarding DOH and its recalcitrant bureaucrats for their opposition to duly passed legislation for timely posting of Care Facility Inspection Reports to assist caregivers with the information they need to help care for their loved ones when they are discharged from the hospital.

As a Plenary Guardian and caregiver, I know how hard it is to balance work, family, and caring for a loved one. When I bring my son from the hospital, I want to feel confident in the nursing facility to which I am having to place him.

Thank you for allowing me to testify in strong OPPOSITION of SB 1114.

Sincerely,

T. J. DAVIES JR.
AARP Chapter 60 Honolulu
Kokua Council for Senior Citizens
HARA Legislative Committee
Kakaako (District 22 / Senate District 12)