



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony in SUPPORT of SB1150
RELATING TO SKILLED NURSING FACILITY LICENSING.

SENATOR JARRETT KEOHOKALOOLE, CHAIR
SENATE COMMITTEE ON HEALTH

Hearing Date: Wednesday, February 3, 2021

Room Number:

1 **Fiscal Implications:** No negative fiscal implications.

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

4 This bill seeks to mimic Section 321-14.5, Hawaii Revised Statute (HRS) on hospital
5 licensing by allowing the Department to accept accreditation or certification of a skilled nursing
6 facility (SNF) by a nationally recognized accreditation or certification organization.

7 Organizations such as the Joint Commission accredit SNFs and the U.S. Centers for
8 Medicare and Medicaid Services (CMS) certifies SNFs. The Joint Commission's and CMS's
9 requirements are more stringent than Hawaii's administrative rules and are updated more
10 frequently as well.

11 The Department's Office of Health Care Assurance (OHCA) conducts Medicare
12 certification surveys, including initial certification, recertification, and federal complaint
13 investigation surveys on behalf of CMS as authorized by the U.S. Social Security Act Section
14 1864 (1864 Agreement). CMS requires recertification surveys annually and OHCA conducts
15 state license renewal surveys simultaneously with the CMS recertification surveys.

1 With this bill the Department could accept accreditation surveys from a private
2 accreditation organization or using the CMS recertification survey for state licensing purposes.
3 This could allow OHCA to redeploy its staffing resources to other equally important surveys or
4 investigations especially during periods of limited staffing resources while maintaining oversight
5 of SNFs to ensure the health, safety and welfare of the public.

6 The accreditation information or the CMS recertification survey report will be public
7 record and OHCA will post such information of its webpage of survey reports. OHCA has
8 posted the recent federal and state survey reports on the Yukio Okutsu State Veterans Home and
9 other federal reports on SNFs will be posted as well.

10 Finally, the bill would continue to allow the Department to conduct state licensing
11 surveys and complaint investigations.

12 Thank you for the opportunity to testify in STRONG SUPPORT on this measure.

13 **Offered Amendments:** None.



February 3, 2021 at 1:05 pm
Via Videoconference

Senate Committee on Health

To: Chair Jarrett Keohokalole
Vice Chair Rosalyn H. Baker

From: Paige Heckathorn Choy
Director of Government Affairs
Healthcare Association of Hawaii

Re: **Submitting Comments**
SB 1150, Relating to Skilled Nursing Facility Licensing

The Healthcare Association of Hawaii (HAH), established in 1939, serves as the leading voice of healthcare on behalf of 170 member organizations who represent almost every aspect of the healthcare continuum in Hawaii. Members include acute care hospitals, skilled nursing facilities, home health agencies, hospices, assisted living facilities, and durable medical equipment suppliers. In addition to providing access to appropriate, affordable, high-quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing over 20,000 people statewide.

Thank you for the opportunity to provide **comments** on this bill, which would allow the Department of Health to accept accreditation or certification from a qualified organization for the purposes of licensing a skilled nursing facility in the state. We appreciate the intent of the bill and would urge the legislature to ensure that the use of an outside accreditation or certification program remains voluntary, rather than compulsory.

Our skilled nursing facilities are constantly reviewing federal guidance, regulations, and best practices and strive to provide the highest quality of care to patients, even during this difficult time. Thank you for the opportunity to comment on this bill.

SB-1150

Submitted on: 2/1/2021 11:00:48 AM

Testimony for HTH on 2/3/2021 1:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Jim Shon	Individual	Oppose	No

Comments:

Chair, members of the Committee. This bill is objectionable because it allows the Department of Health to further shirk its duty to inspect: "The rules may exempt a skilled nursing facility from a licensing inspection ***on a continuing basis*** throughout the term of the accreditation or certification"

The DOH is notorious for being late on inspections, insisting that no information be posted until the FINAL correction plan is in place, which can take months, rigorously opposing unannounced inspections, and over-redacting information contained in reports. Kōkua Council had to take DOH to court on this issue.

It took months before DOH inspected the Hilo veterans home where so many tragically died.

I urge the Committee to consider reworking this bill to ensure timely, useful information to the public, and not hide behind an out of state accreditation process.