

Honolulu, Hawaii

April 29 , 2011

RE: H.B. No. 739  
H.D. 2  
S.D. 1  
C.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 739, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES, "

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to:

- (1) Amend the definition of "community care foster family home" to include the requirements that:
  - (A) Community care foster family homes be certified and in operation for at least one year prior to being certified for a third client; and
  - (B) The substitute caregiver be a Nurse Aide (NA) who has completed a minimum of 12 hours of continuing



education every calendar year and the primary caregiver be a Certified Nurse Aide (CNA) for community care foster family homes certified for a maximum of three clients;

and

- (2) Require a community care foster family home to:
  - (A) Individually name each substitute caregiver on its liability insurance policy; and
  - (B) Ensure that the following are current and made available for inspection by the Department of Human Services (DHS) and the clients of the community care foster family homes:
    - (i) Proof that a substitute caregiver possesses the requisite skills to qualify as a NA; and
    - (ii) Proof of certifications for CNAs.

Your Committee on Conference finds that DHS has indicated an interest in working with the Office of Language Access to assist NAs and CNAs with test-taking and continuing education.

Your Committee on Conference has amended this bill by:

- (1) Specifying that for community care foster family homes certified for a maximum of three clients, the substitute caregiver must be an NA who has completed a state-approved training program and other training as required by DHS;
- (2) Removing provisions that require a community care foster family home to:
  - (A) Individually name each substitute caregiver on its liability insurance policy; and
  - (B) Ensure that the following are current and made available for inspection by DHS and the clients of the community care foster family homes:
    - (i) Proof that a substitute caregiver possesses the requisite skills to qualify as a NA; and



- (ii) Proof of certifications for CNAs;
- (3) Requiring DHS to adopt rules relating to various requirements, including caregiver age and continuing education, absence and presence of primary caregivers in community care foster family homes, and work experience for substitute caregivers caring for three clients in community care foster family homes;
- (4) Requiring DHS to evaluate the implementation of the provisions of this bill and provide a report to the Legislature no later than 20 days prior to the convening of the Regular Session of 2012;
- (5) Changing its effective date to July 1, 2011, with a repeal date of June 30, 2013; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 739, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 739, H.D. 2, S.D. 1, C.D. 1.

Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

Suzanne Chun Oakland  
SUZANNE CHUN OAKLAND, Chair

John M. Mizuno  
JOHN M. MIZUNO, Co-Chair

Marilyn B. Lee  
MARILYN B. LEE, Co-Chair



Hawaii State Legislature  
**Record of Votes of a  
 Conference Committee**

OCR 86

Bill / Concurrent Resolution No.: <b>HB 739, HD 2, SD 1</b>	Date/Time: <div style="font-size: 18pt; font-family: cursive;">4/27/11 11:20am</div>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
CHUN OAKLAND, Suzanne, Chr.	✓				MIZUNO, John M., Co-Chr.	✓			
IHARA, Les, Jr.	✓				LEE, Marilyn B., Co-Chr.	✓			
SLOM, Sam				✓	HASHEM, Mark J.	✓			
					PINE, Kymberly Marcos	✓			
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>

A = Aye                      WR = Aye with Reservations                      N = Nay                      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: <div style="font-size: 24pt; font-family: cursive; text-align: center;">Suzanne Chun Oakland</div>	House Lead Chair's or Designee's Signature: <div style="font-size: 24pt; font-family: cursive; text-align: center;">John M. Mizuno</div>
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