

Honolulu, Hawaii

APR 27 , 2018

RE: H.B. No. 1911
H.D. 2
S.D. 1
C.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
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. 1911, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

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 measure is to enable the Department of Health to address the issue of unlicensed and uncertified care facilities by:

- (1) Authorizing the Department of Health to investigate and enter care facilities reported to be operating without an appropriate certificate or license issued by the Department and take certain actions upon confirmed findings of uncertified or unlicensed care facilities;



- (2) Establishing penalties for violations and for knowingly referring or transferring patients to uncertified or unlicensed care facilities;
- (3) Establishing certain conditions under which certified or licensed healthcare providers and care facilities will not be subject to a fine when a patient is referred or transferred to an uncertified or unlicensed care facility; and
- (4) Requiring the Department of Health to adopt interim rules to effectuate the licensure of home care facilities and making those interim rules effective until the sooner of October 1, 2018, or final adoption of rules.

Your Committee on Conference has amended this measure by:

- (1) Specifying maximum daily fines of \$100 for a first violation, \$500 for a second violation, and \$1,000 for a third or subsequent violation of uncertified or unlicensed operation of a care facility;
- (2) Specifying maximum fines of \$500 for a first violation, \$1,000 for a second violation, and \$2,000 for a third or subsequent violation, for knowingly referring or transferring patients to uncertified or unlicensed care facilities;
- (3) Inserting language excluding landlords from care facility licensure requirements under certain conditions, including allowing a tenant to receive home care services from licensed individuals;
- (4) Inserting a savings clause;
- (5) Changing its effective date to July 1, 2018; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

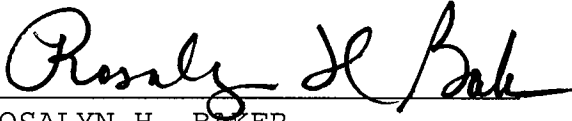
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1911, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1911, H.D. 2, S.D. 1, C.D. 1.



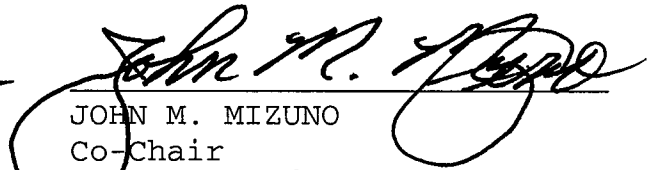
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



ROSALYN H. BAKER
Chair



JOHN M. MIZUNO
Co-Chair



ROY M. TAKUMI
Co-Chair



fm

BERTRAND KOBAYASHI
Co-Chair



Hawaii State Legislature

CR 171-18

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: HB 1911, HD 2, SD 1	Date/Time: 4-27-18 10:10 A-
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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.
- The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure
- The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
BAKER, Rosalyn H., Chr.	✓				MIZUNO, John M., Co-Chr.	✓			
ESPERO, Will				✓	TAKUMI, Roy M., Co-Chr.	✓			
IHARA, Les, Jr.	✓				KOBAYASHI, Bertrand, Co-Chr.	✓			
					CACHOLA, Romy M.	✓			
					MORIKAWA, Dee	✓			
					TUPOLA, Andria P.L.				✓
					<i>Cullen</i>	✓			
TOTAL	2	-	-	1	TOTAL	6	-	-	1

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
Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:

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