

Honolulu, Hawaii
February 9, 2018

RE: H.B. No. 1911
H.D. 1

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

Sir:

Your Committee on Health & Human Services, to which was referred H.B. No. 1911 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to enable the Department of Health to address the issue of unlicensed and uncertified care facilities through authorizing investigations into facilities that have been reported to be operating without the appropriate certificate or license. This measure also establishes penalties for operating an uncertified or unlicensed facility and for providing patient referral or transfer to uncertified or unlicensed care facilities.

The Department of Health, League of Women Voters of Hawaii, Wilcox Medical Center, Caring Across Generations, Case Management Professionals, Inc., Adult Foster Home care Association of Hawaii, and numerous concerned individuals submitted testimony in support of this measure. Maile Case Management and numerous concerned individuals opposed this measure. AARP Hawaii, Healthcare Association of Hawaii, and Kokua Council provided comments.

Your Committee finds that the present situation presents a danger to Hawaii's elderly as unlicensed and uncertified care



homes often lack liability insurance, Department of Health oversight, and criminal background checks for their employees.

Your Committee received testimony stating that in 2016 there was a loss of seventy-four licensed care homes statewide and a loss of seventy-six in 2017. Your Committee also received testimony stating that on one occasion three residents passed away due to trauma as a result of their transfer from a care home that intentionally allowed its license to expire in order to continue to operate as an unlicensed care home.

Should this measure receive further consideration from your Committee on Consumer Protection & Commerce, your Committee requests the Attorney General's opinion on whether section 1, permitting the Department of Health to conduct investigations in response to a report of a possible uncertified or unlicensed care facility, should be amended to instead require investigations.

Your Committee notes that authorizing the Long-Term Care Ombudsman to investigate unlicensed and uncertified care homes may be an additional or alternate way to address this issue.

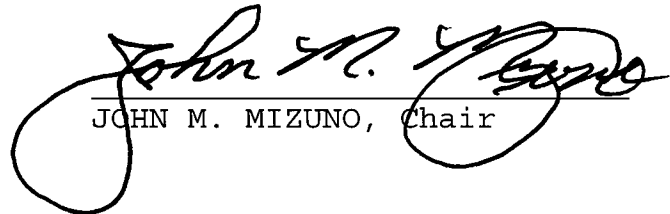
Your Committee has amended this measure by:

- (1) Replacing the mandate for the Department of Health to take action upon a confirmed finding that a care home is unlicensed or uncertified with a permissive authority to take action; and
- (2) Changing the effective date to July 1, 3000, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Health & Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1911, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1911, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.



Respectfully submitted on
behalf of the members of the
Committee on Health & Human
Services,


JOHN M. MIZUNO, Chair



