

LATE

The Twenty-Eighth Legislature
Regular Session of 2016

THE SENATE

Committee on Commerce, Consumer Protection, and Health

Senator Rosalyn H. Baker, Chair

Senator Michelle N. Kidani, Vice Chair

State Capitol, Conference Room 229

Wednesday, February 17, 2016; 9:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 2384
RELATING TO LICENSING INSPECTIONS**

The ILWU Local 142 **supports** S.B. 2384, requires the Department of Health to conduct unannounced visits and relicensing inspections for state-licensed care facilities and medical marijuana dispensaries.

The facilities that are listed in the bill for unannounced visits are all responsible to provide some level of care to vulnerable individuals. These individuals are, more often than not, unable to register their complaints or seek remedies to correct what may be improper or inappropriate treatment. It is for these reasons that visits for the purpose of inspection should be unannounced to give the inspector a truer picture of what goes on in the facility on a daily basis.

Most facilities provide quality care in a dignified, respectful manner. These facilities should not be concerned about the unannounced visits. What the inspector sees in an unannounced visit will be exactly what occurs every day. However, the unannounced visits will allow the inspector to determine if issues do exist in the facility and corrective action is required.

The ILWU urges passage of S.B. 2384. Thank you for the opportunity to provide testimony on this measure.

LATE

Date: February 17, 2016
Time: 9 A.M.
Place: Conference Room 229
State Capitol
415 S. Beretania Street

RE: SB 2384 RELATING TO CARE FACILITIES

Good Morning Chair Baker, Vice-Chair Kidani, and Committee Members:

My name is Lilia Fajotina, Vice President of ARCA (ALLIANCE OF RESIDENTIAL CARE ADMINISTRATORS)

My written testimony is in strong opposition to the SB 2384.

HRS 321-15.6 has been in existence, I am respectfully asking the Committee to retain the language of the statute "ANNUAL INSPECTIONS FOR RELICENSING SHALL BE CONDUCTED WITH NOTICE, UNLESS OTHERWISE DETERMINED BY THE DEPARTMENT."

Community-based care facilities are governed by different regulations regarding unannounced visits and annual inspection for relicensing. The Department of Health has the jurisdiction of the adult Residential Care Homes under the guidance of HRS 321-15.6. On the other hand, the Department of Human Services has the jurisdiction of the foster family homes using the guidelines under Hawaii Administrative Rules Title 17, Chapter 1454. The current practice of the Department of Health through the Office of Health Care Assurance is to send notice to the care home operator regarding an upcoming annual relicensing inspection. The notice says "a certain day of the month but it does not announce the exact date." The reason OHCA has promulgated this system is to allow the care home operator to be present during the inspection. There are many reasons that the care home operator is out the house like bringing the residents to their medical appointments, outings with residents, or the care home operator has also personal appointments and errands. OHCA requires that the primary caregiver must be present during the annual relicensing inspection.

The statute already has the provision for unannounced visits. Anybody from the OHCA can conduct unannounced visits at any intervals at its discretion to confirm correction of deficiencies and to investigate complaints for suspicion of neglect and abuse.

The issue of unannounced visit resurfaced last year because a resident passed away in a community-based care facility due to a decubitus ulcer. I do understand the public sentiment regarding the death. There was an emotional debate regarding the issue of "unannounced visit". But such death could be prevented if caregivers are accountable and responsible for what they do. It only takes some administrative actions and measures to prevent such horrible death. In the care giving industry, **nobody** wants such death to happen. Unannounced visit could be a deterrent but not a solution if caregivers involved in the care of the resident are not doing their responsibilities. What about oversight? Enacting bills for unannounced visit for relicensing survey is not the answer. We need to enforce, ACCOUNTABILITY, RESPONSIBILITY and strong OVERSIGHT.

In general, caregivers in all the community-based care facilities are providing excellent care to our aging and frail Kupuna, as indicated by only 2 incidents for the last 25 years.

Thank you for allowing me to testify.

Lilia Fajotina
Vice President, ARCA

FAX TO 586-6071

LATE

To: Senator Rosalyn Baker, Chair, Commerce, Consumer Protection and Health
Committee
Vice-Chair Senator Michelle Kidani

Date: February 17, 2016, 9:00 AM, House Conference, Rm 229
Re: SB 2384 – Relating to Care Facilities

Aloha Chair Baker, Vice-Chair Kidani and Committee Members:

My name is *Tessie J. Factora*. I am a Care Home Operator in *Pend City*.
My written testimony is in strong OPPOSITION to the bill.

HRS 321-15.6 has been in existence, I am respectfully asking the Committee to retain the language of the statute **"Annual inspections for relicensing shall be conducted with notice, unless otherwise determined by the department."**

Community-based care facilities are governed by different regulations regarding unannounced visits and annual inspection for relicensing. The Department of Health has the jurisdiction of the Adult Residential Care Homes under the guidance of HRS 321-15.6. On the other hand, the Department of Human Services has the jurisdiction of the foster family homes using the guidelines under Hawaii Administrative Rules Title 17, Chapter 1454.

The current practice of the Department of Health through the Office of Health Care Assurance is to send notice to the care home operator regarding an upcoming annual relicensing inspection. The notice says "a certain day of the month but it does not announce the exact date." The reason OHCA has promulgated this system to allow the care home operator to be present during the inspection. There are many reasons that the care home operator is out the house like bringing residents to their medical appointments, picking up medications, buying provisions and supplies for the residents, outings for residents, and once in a while a trip to the emergency room. In addition, care home operators have also personal appointments and errands. OHCA requires that the primary caregiver, the care home operator, and the residents must be present during the annual relicensing inspection.

The statute already has the provision for unannounced visits. Anybody from the OHCA can conduct unannounced visits at any intervals at its discretion to confirm correction of deficiencies and to investigate complaints for suspicion of neglect and abuse.

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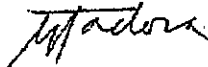
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In general, caregivers in all the community-based care facilities are providing excellent care to our aging and frail Kupuna, as indicated by only 2 incidents for the last 25 years. In 2012, Center for Medicare and Medicaid Services (CMS) reported 109 surgical deaths in Hawaii due to preventable complications. There are also many vehicular deaths occurring in our highways. Is there any law passed for conduct unannounced visits to surgical sites or to the DMV's?

Mahalo for your attention.

Sincerely,



Care Home Operator

FAX

506-6071

LATE

To: Senator Rosalyn Baker, Chair, Commerce, Consumer Protection and Health
Committee
Vice-Chair Senator Michelle Kidani

Date: February 17, 2016, 9:00 AM, House Conference, Rm 229
Re: SB 2384 – Relating to Care Facilities

Alpha Chair Baker, Vice-Chair Kidani and Committee Members:

My name is *Yolanda Collo*. I am a Care Home Operator in
My written testimony is in strong OPPOSITION to the bill.

HRS 321-15.6 has been in existence, I am respectfully asking the Committee to retain the language of the statute **“Annual inspections for relicensing shall be conducted with notice, unless otherwise determined by the department.”**

Community-based care facilities are governed by different regulations regarding unannounced visits and annual inspection for relicensing. The Department of Health has the jurisdiction of the Adult Residential Care Homes under the guidance of HRS 321-15.6. On the other hand, the Department of Human Services has the jurisdiction of the foster family homes using the guidelines under Hawaii Administrative Rules Title 17, Chapter 1454.

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The statute already has the provision for unannounced visits. Anybody from the OHCA can conduct unannounced visits at any intervals at its discretion to confirm correction of deficiencies and to investigate complaints for suspicion of neglect and abuse.

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Mahalo for your attention.

Sincerely,



Care Home Operator

422-7881

LATE

To: Senator Rosalyn Baker, Chair of Commerce, Consumer Protection and Health
Senator Michelle Kidani, Vice-Chair of Commerce, Consumer Protection and Health
Commerce, Consumer Protection and Health Committee Members

Date: February 17, 2016 9:00 AM House Conference Room 229

Re: SB 2384 – Relating to Care Facilities

Aloha Chair Baker, Vice-Chair Kidani and Committee Members:

My name is Wannette Gaylord, the president of ARCA (Alliance of Residential Care Administrators) and a hands on care home operator. My written and in person testimony is in strong OPPOSITION to SB 2384.

I am humbly requesting that your Committee put back the language of the existing HRS 321-15.6 **“Annual inspections for relicensing shall be conducted with notice, unless otherwise determined by the department.”**

The current statute requires the Department of Health to send operators notice specifying a specific month and day of the week for their annual relicensing inspection. This ensures that the care home operator is present during the inspection not taking residents to their medical appointments, picking up medications or shopping for food for both the residents and their own families.

That statute also requires the Department of Health to do an unannounced visit annually or more often if applicable.

So please put back the current language of the existing statute, so I won't feel that I am a prisoner to what I thought was my calling in life.

Mahalo,

Wannette Gaylord

Care Home Operator

LATE

FAX 586-6071

To: Senator Rosalyn Baker, Chair, Commerce, Consumer Protection and Health
Committee
Vice-Chair Senator Michelle Kidani

Date: February 17, 2016, 9:00 AM, House Conference, Rm 229
Re: SB 2384 – Relating to Care Facilities

Aloha Chair Baker, Vice-Chair Kidani and Committee Members:

My name is Hernani Aquilar. I am a Care Home Operator in Aiea.
My written testimony is in strong OPPOSITION to the bill.

HRS 321-15.6 has been in existence, I am respectfully asking the Committee to retain the language of the statute **"Annual inspections for relicensing shall be conducted with notice, unless otherwise determined by the department."**

Community-based care facilities are governed by different regulations regarding unannounced visits and annual inspection for relicensing. The Department of Health has the jurisdiction of the Adult Residential Care Homes under the guidance of HRS 321-15.6. On the other hand, the Department of Human Services has the jurisdiction of the foster family homes using the guidelines under Hawaii Administrative Rules Title 17, Chapter 1454.

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Mahalo for your attention.

Sincerely,


KRISTIAN NAELL T. VALENZUELA, RN (FOR HERNANI AGUILAR)
Care Home Operator

To: Senator Rosalyn Baker, Chair, Commerce, Consumer Protection and Health
Committee
Vice-Chair Senator Michelle Kidani

Date: February 17, 2016, 9:00 AM, House Conference, Rm 229
Re: SB 2384 – Relating to Care Facilities

LATE

Aloha Chair Baker, Vice-Chair Kidani and Committee Members:

My name is *Jesusa Quinabo*. I am a Care Home Operator in *Pearl City*.
My written testimony is in strong OPPOSITION to the bill.

HRS 321-15.6 has been in existence, I am respectfully asking the Committee to retain the language of the statute **“Annual inspections for relicensing shall be conducted with notice, unless otherwise determined by the department.”**

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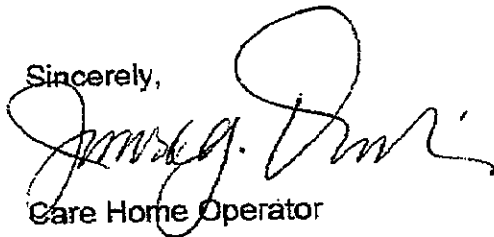
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Mahalo for your attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "James G. Davis". The signature is written in black ink and is positioned above the typed name.

Care Home Operator

baker3 - James

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 16, 2016 1:58 PM
To: CPH Testimony
Cc: john.a.h.tomoso@gmail.com
Subject: Submitted testimony for SB2384 on Feb 17, 2016 09:00AM

LATE

Categories: Late

SB2384

Submitted on: 2/16/2016

Testimony for CPH on Feb 17, 2016 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
John A. H. Tomoso	Individual	Support	No

Comments: Aloha kakou, As a Caregiver, I am in support of unannounced visits, which would provide me and other Caregivers the information needed to assure quality of care AND quality of life for the loved ones and kupuna we care for in our community. Mahalo John A. H. Tomoso, MSW, ACSW, LSW 51 Ku'ula St. Kahului, HI 96732-2906

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

FAX TO 586-6071

To: Senator Rosalyn Baker, Chair, Commerce, Consumer Protection and Health
Committee
Vice-Chair Senator Michelle Kidani

Date: February 17, 2016, 9:00 AM, House Conference, Rm 229
Re: SB 2384 - Relating to Care Facilities

LATE

Aloha Chair Baker, Vice-Chair Kidani and Committee Members:

My name is *LORETTA PEUERA*. I am a Care Home Operator in *Wahiawa*.
My written testimony is in strong OPPOSITION to the bill.

HRS 321-15.6 has been in existence, I am respectfully asking the Committee to retain the language of the statute "Annual inspections for relicensing shall be conducted with notice, unless otherwise determined by the department."

Community-based care facilities are governed by different regulations regarding unannounced visits and annual inspection for relicensing. The Department of Health has the jurisdiction of the Adult Residential Care Homes under the guidance of HRS 321-15.6. On the other hand, the Department of Human Services has the jurisdiction of the foster family homes using the guidelines under Hawaii Administrative Rules Title 17, Chapter 1454.

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Mahalo for your attention.

Sincerely,


Care Home Operator

LATE

FAX #: 586-6071

Speaker Rosalyn Baker, Chair, Commerce, Consumer Protection and Health
Committee
Vice-Chair Senator Michelle Kidani

Date: February 17, 2016, 9:00 AM, House Conference, Rm 229
Topic: SB 2384 – Relating to Care Facilities

Senators Baker, Kidani and Committee Members:

My name is *MARENILA L. DURAN*. I am a Care Home Operator in
My written testimony is in strong OPPOSITION to the bill.

RS 321-15.6 has been in existence, I am respectfully asking the Committee to retain
the language of the statute "**Annual inspections for relicensing shall be
conducted with notice, unless otherwise determined by the department.**"

Community-based care facilities are governed by different regulations regarding
unannounced visits and annual inspection for relicensing. The Department of Health
has the jurisdiction of the Adult Residential Care Homes under the guidance of HRS
Chapter 31-15.6. On the other hand, the Department of Human Services has the jurisdiction of
the foster care homes using the guidelines under several administrative rules and HRS
Chapter 1454.

The current practice of the Department of Health through the Office of Health Care
Assurance is to send notice to the care home operator regarding an upcoming annual
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It could be a deterrent but not a solution if people involved in the care of the resident are not doing their responsibilities. What about oversight? Could we have done a better oversight over the case in the 90s? In other words, sending bills for unannounced visit or relicensing survey is not the answer. We need to enforce ACCOUNTABILITY, RESPONSIBILITY and strong OVERSIGHT.

In general, caregivers in all the community-based care facilities are providing excellent care to our aging and frail Kupuna, as indicated by only 2 incidents for the last 25 years. In 2012, Center for Medicare and Medicaid Services (CMS) reported 109 surgical deaths in the fall due to preventable complications. There are also many vehicular deaths occurring in our highways. Is there any law passed for conduct unannounced visits to medical sites or to the DMV's?

Mahalo for your attention.

Sincerely,


MARENIKA L. DURAN
Care Home Operator

To: Senator Rosalyn Baker, Chair, Commerce, Consumer Protection and Health
Committee
Vice-Chair Senator Michelle Kidani

Date: February 17, 2016, 9:00 AM, House Conference, Rm 229
Re: SB 2384 - Relating to Care Facilities

LATE

Aloha Chair Baker, Vice-Chair Kidani and Committee Members:

My name is *Minda Valdez*, I am a Care Home Operator in *30 yrs*.
My written testimony is in strong OPPOSITION to the bill.

HRS 321-15.6 has been in existence, I am respectfully asking the Committee to retain the language of the statute "**Annual inspections for relicensing shall be conducted with notice, unless otherwise determined by the department.**"

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FAX 586-6071

To: Senator Rosalyn Baker, Chair, Commerce, Consumer Protection and Health Committee
Vice-Chair Senator Michelle Kidani

Date: February 17, 2016, 9:00 AM, House Conference, Rm 229
Re: SB 2384 - Relating to Care Facilities

Aloha Chair Baker, Vice-Chair Kidani and Committee Members:

My name is *Emma Aveland*. I am a Care Home Operator in *Palo*.
My written testimony is in strong OPPOSITION to the bill.

HRS 321-15.6 has been in existence, I am respectfully asking the Committee to retain the language of the statute **"Annual inspections for relicensing shall be conducted with notice, unless otherwise determined by the department."**

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visit could be a deterrent but not a solution if people involved in the care of the resident are not doing their responsibilities. What about oversight? Could we have done a better oversight after the case in the 90s? In other words, enacting bills for unannounced visit for relicensing survey is not the answer. We need to enforce, ACCOUNTABILITY, RESPONSIBILITY and strong OVERSIGHT,

In general, caregivers in all the community-based care facilities are providing excellent care to our aging and frail Kupuna, as indicated by only 2 incidents for the last 25 years. In 2012, Center for Medicare and Medicaid Services (CMS) reported 109 surgical deaths in Hawaii due to preventable complications. There are also many vehicular deaths occurring in our highways. Is there any law passed for conduct unannounced visits to surgical sites or to the DMV's?

Mahalo for your attention.

Sincerely,


Care Home Operator

p.2

To: Senator Rosalyn Baker, Chair, Commerce, Consumer Protection and Health
Committee
Vice-Chair Senator Michelle Kidani

Date: February 17, 2016, 9:00 AM, House Conference, Rm 229
Re: SB 2384 - Relating to Care Facilities

LATE

Aloha Chair Baker, Vice-Chair Kidani and Committee Members:

My name is *Lilia Nonales*. I am a Care Home Operator in *Foster Village*.
My written testimony is in strong OPPOSITION to the bill.

HRS 321-15.6 has been in existence, I am respectfully asking the Committee to retain the language of the statute "Annual inspections for relicensing shall be conducted with notice, unless otherwise determined by the department."

Community-based care facilities are governed by different regulations regarding unannounced visits and annual inspection for relicensing. The Department of Health has the jurisdiction of the Adult Residential Care Homes under the guidance of HRS 321-15.6. On the other hand, the Department of Human Services has the jurisdiction of the foster family homes using the guidelines under Hawaii Administrative Rules Title 17, Chapter 1454.

The current practice of the Department of Health through the Office of Health Care Assurance is to send notice to the care home operator regarding an upcoming annual relicensing inspection. The notice says "a certain day of the month but it does not announce the exact date." The reason OHCA has promulgated this system to allow the care home operator to be present during the inspection. There are many reasons that the care home operator is out the house like bringing residents to their medical appointments, picking up medications, buying provisions and supplies for the residents, outings for residents, and once in a while a trip to the emergency room. In addition, care home operators have also personal appointments and errands. OHCA requires that the primary caregiver, the care home operator, and the residents must be present during the annual relicensing inspection.

The statute already has the provision for unannounced visits. Anybody from the OHCA can conduct unannounced visits at any intervals at its discretion to confirm correction of deficiencies and to investigate complaints for suspicion of neglect and abuse.

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Mahalo for your attention.

Sincerely,

Lilia Nonales
Care Home Operator

To: Senator Rosalyn Baker, Chair, Commerce, Consumer Protection and Health Committee
Vice-Chair Senator Michelle Kidani

Date: February 17, 2016, 9:00 AM, House Conference, Rm 229
Re: SB 2384 - Relating to Care Facilities

LATE

Aloha Chair Baker, Vice-Chair Kidani and Committee Members:

My name is GLORIA PIZIETO. I am a Care Home Operator in
My written testimony is in strong OPPOSITION to the bill.

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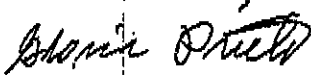
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Sincerely,



Care Home Operator

