

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 1378

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committees on Commerce and Consumer Protection and
Judiciary, to which was referred S.B. No. 1378, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO UNLICENSED CARE HOMES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify that any person, corporation, or entity is prohibited from knowingly referring or transferring patients to an uncertified or unlicensed care facility; and
- (2) Repeal the provision that allows a landlord to be exempt from care facility licensure if the landlord permits a tenant to receive care services from licensed care providers and the landlord does not require a tenant to use or pay for care services as a condition of the rental agreement ("landlord exclusion").

Your Committees received testimony in support of this measure from the Department of Health.

Your Committees find that the Department of Health has investigated a troubling number of aging-in-place care homes masquerading as rental homes with multiple unrelated tenants all requiring care services. Although these rental homes meet the



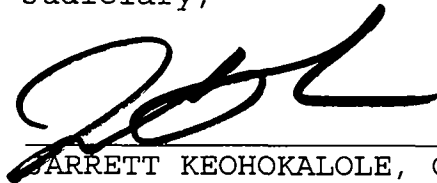
definition of an adult residential care home, which would require licensure under existing law, the owners of these rental homes cite the landlord exclusion to avoid the State's enforcement and licensing requirements. These homes, along with the caregiver services provided at these homes, should be inspected to ensure that their residents are not living in conditions that could be hazardous to their health, safety, or welfare. This measure repeals the landlord exclusion, thereby ensuring that homes and facilities providing care services meet certain health and safety standards to be enforced by the Department of Health.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1378, S.D. 1, and recommend that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Commerce and
Consumer Protection and
Judiciary,



KARL RHOADS, Chair

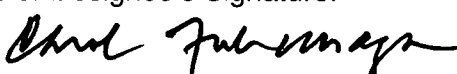


BARRETT KEOHOKALOLE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
SB1378 SD1	HHS, CPN/JDC	2/28/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
FUKUNAGA, Carol (VC)	✓			
MCKELVEY, Angus L.K.	✓			
RICHARDS, III, Herbert M. "Tim"	✓			
AWA, Brenton	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

