



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of H.B. 1081, HD1
RELATING TO PENALTIES FOR UNLICENSED CARE HOMES.**

REPRESENTATIVE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Hearing Date: Wednesday, February 15, 2023

Room Number: 325

1 **Fiscal Implications:** None

2 **Department Testimony:** Thank you for the opportunity to testify in STRONG SUPPORT of
3 this administration bill to strengthen the ability of the Department of Health and its Office of
4 Health Care Assurance (OHCA) to protect the public against uncertified or unlicensed health
5 care facilities.

6 The purpose of this bill is to better safeguard the public by repealing HRS §321-486.3
7 and avoid conflict with HRS §321-20.

8 HRS §321-486 authorizes OHCA to conduct investigations on uncertified or unlicensed
9 care facilities and HRS §321-486.3 allows OHCA to assess administrative penalties of no more
10 than \$100 per day for the 1st violation, \$500 per day for the 2nd violation, and \$1,000 per day for
11 the 3rd and each succeeding violation.

12 However, HRS §321-20 also lists remedies at the department's disposal. It includes the
13 assessment and payment of "an administrative penalty not to exceed \$1,000 for each day of
14 violation."

1 Uncertified or unlicensed care facilities charge thousands of dollars per month to multiple
2 vulnerable *kupuna*. These facilities are not inspected for quality of care and to ensure caregiver
3 qualifications including background checks. As a result, HRS §321-20 is the better enforcement
4 tool, and \$1,000 per day is a more appropriate remedial approach to prevent unlicensed operators
5 from profiting at the hands of vulnerable or frail elderly. A \$100 per day fine for the 1st violation
6 would be meaningless to an operator making tens of thousands of dollars per month.

7 Thank you for the opportunity to testify in STRONG SUPPORT of this administration
8 bill.

9 **Offered Amendments:** None.