

STAND. COM. REP. NO.

1746

Honolulu, Hawaii

, 2025

APR 01

RE: S.B. No. 1438
S.D. 1
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 1438, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HOME CARE AGENCIES,"

begs leave to report as follows:

The purpose of this measure is to prohibit home health care agencies from providing services outside the scope of their facility license.

Your Committee received testimony in support of this measure from the Department of Health. Your Committee received testimony in opposition to this measure from the Libertarian Party of Hawaii and one individual.

Your Committee finds that home care agencies are entities that provide personal care services, homemaker services, and respite care to clients in their homes. These agencies provide essential services to individuals who require assistance with daily living activities, allowing individuals to remain in their homes while receiving necessary care. However, your Committee further finds that some home care agencies are providing nursing services, which require specialized training, that are rendered by individuals who are not licensed under state law to engage in the practice of nursing. To bolster the State's ability to protect

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patient safety, this measure clarifies the scope of the home care agency license and authorizes the Department of Health to take enforcement action against home care agencies that are providing services outside of the scope of their license.

Your Committee has amended this measure by:

- (1) Changing the effective date to upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1438, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1438, S.D. 1, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



SCOT Z. MATSUMOTO, Chair



