

HB1396 HD2

Measure Title: RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES.

Report Title: Community Care Foster Family Homes; Private-Pay Clients; Medicaid Clients

Description: Authorizes the Department of Health, working in consultation with the Department of Human Services, to allow two private-pay individuals to be cared for in the same community care foster family home if certain requirements are met. (HB1396 HD2)

Current Referral: HMS/CPH, WAM

Introducer(s): MIZUNO, BROWER, CACHOLA, EVANS, GATES, LUKE, OHNO, SAIKI, SOUKI, TUPOLA, Woodson



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

March 20, 2017

TO: The Honorable Senator Josh Green, Chair
Senate Committee on Human Services

The Honorable Senator Rosalyn H. Baker, Chair
Senate Committee on Commerce, Consumer Protection & Health

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 1396 HD 2 – RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES**

Hearing: March 30, 2017, 2:50 p.m.
Conference Room 016, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports the measure.

PURPOSE: The purpose of the bill is to authorize the Department of Health to allow two private-pay individuals to be cared for in the same community care foster family home if certain requirements are met. DHS defers to the Department of Health (DOH) and agrees with its proposed amendments.

Community Care Foster Family Homes (CCFFH) were created specifically for the Medicaid program for low-income recipients. CCFFH is an integral part of the long term care continuum of care for the Medicaid program and provides a less restrictive community-based home for Medicaid recipients who are at a nursing facility level of care. CCFFH allow recipients to remain in the community rather than go into a nursing facility, which is a major national goal and the personal preference for many individuals and families.

Currently, CCFFHs are licensed for two residents and may request for a third bed. One of the residents may be private-pay. Also, in order to obtain the third bed, it must be for a Medicaid

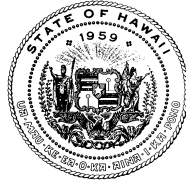
recipient. This bill would permit the Department of Health to allow two private pay residents and only one Medicaid recipient under certain conditions.

While currently, DHS does not anticipate a high number of individuals to seek this accommodation, a change in law may influence a change in behavior that was not anticipated at the time of the law's passage.

DHS notes that with this change, there remains some potential of reduced CCFFH beds for Medicaid recipients, which, in certain communities, could result in individuals having to remain for longer periods of time in an acute hospital bed until a community-based bed becomes available, or going into a more costly nursing facility. None the less, we believe the bill provides for sufficient protections in order to mitigate this risk.

DHS will continue to work with DOH and the Legislature to address the State's long-term care needs of the state's aging population, and maintain community based options for low-income elderly or people with disabilities.

Thank you for the opportunity to testify on this bill.



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**Testimony in SUPPORT of H.B. 1396, HD 2
RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES**

SENATOR JOSH GREEN, CHAIR
SENATE COMMITTEE ON HUMAN SERVICES
SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Hearing Date: Monday, March 20, 2017

Room Number: 016

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department appreciates the opportunity to testify in SUPPORT of
3 H.B. 1396, HD 2, and offers amendments. The State has been addressing this matter for a couple
4 of years and, closely working with key legislators and the Department of Human Services, the
5 Department of Health believes an appropriate solution has been found.

6 The Department of Health supports amending the definition of a community care foster
7 family home (CCFFH). The amended definition provides the Department, in consultation with
8 DHS, with discretion to allow two private-pay individuals who are in a married or civil union
9 relationship to be cared for in the same CCFFH. Relevant factors for consideration are identified
10 in the bill and the Department may consider other factors that the Department deems relevant to
11 reach its decision.

12 The Department expects that the need for two (2) private-pay individuals to occupy the
13 same CCFFH will be rare, but it believes that truly unique and rare circumstances should allow

1 for unique considerations. The Department believes this bill provides an appropriate tool for
2 those unique and rare circumstances to be deliberated upon.

3 Thank you for the opportunity to testify in SUPPORT of this bill with the offered
4 amendments, below.

5 **Offered Amendments:** On page 4, line 11 - 18:

6 (B) The department, in consultation with the department of human services, and in its discretion,
7 and considering the past admission history and current client mix of the community care foster
8 family home, may allow two private-pay individuals to be cared for in the same community care
9 foster family home ~~if all of the following are met~~ after considering the following relevant factors:

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 17, 2017 3:18 PM
To: HMS Testimony
Cc: louis@hawaiidisabilityrights.org
Subject: Submitted testimony for HB1396 on Mar 20, 2017 14:50PM

HB1396

Submitted on: 3/17/2017

Testimony for HMS/CPH on Mar 20, 2017 14:50PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Erteschik	Hawaii Disability Rights Center	Comments Only	Yes

Comments: We supported this bill last year as a humanitarian attempt to assist a particular elderly couple that wished to reside together. That individual case aside, this bill makes perfect sense as a matter of public policy in general. These isolated situations of married couples seeking to live together are few and rare and will do nothing to disrupt the Medicaid system or alter the number of beds that are available. For that reason, we hope that the Legislature will direct the Departments to allow these scenarios under reasonable parameters. While we welcome the support of the Departments for this HD1 version, we do think that some of the conditions required in the bill are too open ended and difficult to measure or enforce. Yet, this certainly is a step in a good direction.

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.

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Aloha Chair Green, Vice Chair Chang, Chair Baker, Vice Chair Nishihara and committee members

I am a senior citizen and a resident of House District 19 and Senate District 9 (your district, Sen. Chang). I am a member of AARP, Kokua Council, the Hawaii Alliance of Retired Americans and the Legislative Committee of PABEA.

I'm testifying in strong opposition to HB1396, HD2 regarding allowing two private-pay individuals to be cared for in the same Community Care Family Foster Home. This bill came about due to the situations of two particular couples, one of whom had been married more than 68 years.

While the stories are very touching, the important thing to remember is that private-pay patients ARE NOT REQUIRED to be in licensed facilities; Medicaid patients are. CCFFH's would prefer to take private-pay patients for obvious reasons; they pay more than Medicaid. While it appears that there are safeguards to prevent abuses, DOH is already unable to complete necessary tasks regarding residential care facilities (e.g. DOH doesn't have enough staff to post nursing home inspections or perhaps even to complete them). Adding more work is simply not practical.

If this bill passes, it will be even more difficult for Medicaid patients to find placements. Please do not increase the burden upon the most vulnerable of our Kupuna. Please oppose HB1396,HD2.

Thank you for the opportunity to testify.

Barbara J. Service