



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of H.B. 1396 PROPOSED HD1  
RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES**

REPRESENTATIVE DEE MORIKAWA, CHAIR  
HOUSE COMMITTEE ON HUMAN SERVICES

Hearing Date: Wednesday, February 15, 2017 Room Number: 329

1 **Fiscal Implications:** None

2 **Department Testimony:** Thank you for the opportunity to testify in SUPPORT of H.B. 1396  
3 proposed HD1. The State has been addressing this matter for a couple of years and, closely  
4 working with key legislators and the Department of Human Services, the Department of Health  
5 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 to be cared for in the same CCFFH.  
9 Conditions are identified but the Department may consider other factors that the Department  
10 deems relevant to reach its decision.

11 The Department believes that unique and rare circumstances should allow for unique  
12 considerations. The Department believes that the proposed HD1 provides an appropriate tool for  
13 those considerations to be deliberated upon.

14 Thank you for the opportunity to testify on this bill.

15 **Offered Amendments:** Proposed HD1 is submitted as a separate document.

**todd2 - Chloe**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 5:13 PM  
**To:** HUS testimony  
**Cc:** louis@hawaiidisabilityrights.org  
**Subject:** Submitted testimony for HB1396 on Feb 15, 2017 10:31AM

**HB1396**

Submitted on: 2/13/2017  
Testimony for HUS on Feb 15, 2017 10:31AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louis Erteschik	Hawaii Disability Rights Center	Support	Yes

Comments: Comments: We supported this bill last year as a humanitarian attempt to assist a particular elderly couple that wished to reside together. We were disheartened by the rigidity and lack of compassion demonstrated by the Department of Health and the Department of Human Services. The arguments they put forth made no sense at all. 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 exercise its discretion to direct the Departments to allow these scenarios under parameters as outlined in this proposal.

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](mailto:webmaster@capitol.hawaii.gov)

DAVID Y. IGE  
GOVERNOR



PANKAJ BHANOT  
DIRECTOR

BRIDGET HOLTHUS  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

**LATE**

February 15, 2017

TO: The Honorable Representative Dee Morikawa, Chair  
House Committee on Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 1396 HD 1 PROPOSED – RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES**

Hearing: February 15, 2017, 9:00 a.m.  
Conference Room 329, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports the proposed HD 1.

**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.

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 if the enumerated conditions of the proposed part (1) (B) are met.

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.

# ADULT FOSTER HOMECARE ASSOCIATION OF HAWAII

P.O. Box 970092, Waipahu, Hawai'i 96797

**LATE**

Feb. 15, 2016

RE: **HB1396 – Testimony in Strong Support – HUS 2/15/17 – Rm. 329 10:31 a.m.**

Dear Chair Morikawa, Vice Chair Todd, and Members of the Committee:

We **strongly support HB1396 proposed HD1**, which allows for two private-pay clients in a Community Care Foster Family Home (foster homes) where the two private-pay clients are in a special relationship with each other such as a married couple, reciprocal beneficiaries, or siblings. We have been supporting similar bills for years. The problem remains the same. The current system is inadequate for those who do not qualify for Medicaid. A lawsuit is pending on this issue because of failed attempts in this forum and costing the State and hurting those affected. It's time to act. We have attached a petition circulated in 2015 in support of HB600, which had very similar language.

Indeed, the heart of the foster home program is the family. We take disadvantaged individuals into our home and make them a part of our family. A sense of being part of a family is vital to any human being. Although we count our clients as part of our own family living in the home where we live, some clients would do even better if they could bring their own family into the home.

Clients who are separated from their own family often suffer severe trauma and depression. Outcomes would improve if they were able to live with their own family members like their spouse. Imagine being in a loving marriage or relationship for 50 years and then suddenly being separated. We want to admit clients who will fit well with our clients for their own well-being.

Medicaid clients will continue to have a place in our homes and will continue to be first priority. The foster home program, along with the other long-term care programs, have sufficient space for Medicaid clients, but the inflexible rule of having only one private-pay client is often detrimental to non-Medicaid clients. We emphasize there is more than adequate space for Medicaid clients. **WE HAVE TOO MANY VACANCIES.** Medicaid clients have many options. People who fall through the cracks and don't qualify medicated do not.

Non medicaid clients need care just as everyone else. They should have a right to remain in our home if it is their free choice and the choice of their family. They deserve to be treated with dignity and have their choices respected.

For these reasons, we **strongly support** HB 1396 proposed HD1.

Very truly yours,  
Maribel Tan  
President

## About AFHA

The Adult Foster Home Association of Hawaii (AFHA) is the industry trade association of providers under the Community Care Foster Family Home program under the Department of Human Services, State of Hawaii. With a membership of almost 750 providers, AFHA's mission is to promote the interests of providers as well as resident clients. AFHA members provide 24-hour care to resident clients 7 days a week, 365 days a year.



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 15, 2017 5:05 AM  
**To:** HUS testimony  
**Cc:** Jasmineramos808@yahoo.com  
**Subject:** Submitted testimony for HB1396 on Feb 15, 2017 10:31AM

**HB1396**

Submitted on: 2/15/2017  
Testimony for HUS on Feb 15, 2017 10:31AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Jasmine Ramos	Individual	Support	No

Comments: I stand in strong support for HB1396 to allow, in certain rare cases, two private pay clients to reside in the same community care foster family home. This is a very important bill, because cases like the current one - the Kawamoto case, will come up again in the future. If we pass a well written bill the Legislature will no longer have to deal with this issue again - as the determination will be made by the department of health and department of human services, while working with the Attorney General's Office and the federal government. This bill - the proposed HD1 is crafted well, because it allows the department of health working with the department of human services to determine if an exception shall be made to allow for two private pay clients to reside in the same community care foster family home - if certain conditions are met: the couple must be married or in a civil union, the private pay couple will not have the option of moving in another healthcare facility in the area, they cannot transfer out a Medicaid client just to accept the second private pay client, the department of health must work with the department of human services and they can review the history of the community care foster family home to determine if this is the correct position to take in allowing two private pay clients in the same CCFFH and the departments will be working with both the State Attorney General's Office and the federal department of health and human services to ensure that they remain in good standing regarding funding for Medicaid. If the foregoing can be met - this will allow two private pay clients who are either married or in a civil union to reside in the same CCFFH. This is all subject to availability and no Medicaid client can be transferred out just to accept another private pay client. The proposed HD1 is a good draft and thus I stand in strong support of passing this bill.

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](mailto:webmaster@capitol.hawaii.gov)

**todd2 - Chloe**

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 15, 2017 3:53 AM  
**To:** HUS testimony  
**Cc:** smith808143@yahoo.com  
**Subject:** Submitted testimony for HB1396 on Feb 15, 2017 10:31AM

**HB1396**

Submitted on: 2/15/2017

Testimony for HUS on Feb 15, 2017 10:31AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Smith	Individual	Support	No

Comments: I support HB1396, because it is the right thing to do - to allow a married couple of over 68 years to reside in the same community care foster family home if certain conditions are met: First if they have no other care home or healthcre facility in the area, scond they must be married or in a civil union, third the department of health will work with the department of human services to determine if this situation warrants the married couple to live in the same Medicaid care home and finally both departments can work with the State Attorney General's office and contct CMS (Federal Department of Health and Human Services) to ensure that they are not violating any rule or law by allowing this rare exception - thus to ensure continued Medcaid funding for Hawaii. Finally, as a side note - if this bill were to pass the Kawamoto lawsuit against the state would be dismissed, because they would no longer have grounds to sue - as the law would allow them to reside in the same community care foster family home. Thank you for the opportunity to submit testimony in support of HB1396.

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](mailto:webmaster@capitol.hawaii.gov)



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 14, 2017 11:00 PM  
**To:** HUSstestimony  
**Cc:** alangarcia2017@yahoo.com  
**Subject:** Submitted testimony for HB1396 on Feb 15, 2017 10:31AM

**HB1396**

Submitted on: 2/14/2017  
Testimony for HUS on Feb 15, 2017 10:31AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Garcia	Individual	Support	No

Comments: I support HB1396 to allow in rare cases two private pay clients only if they are "married or in civil unions" to reside in the same community care foster family home. This will only happen if both the department of health works with department of human services, reviews all other options for the private pay couple and after checking with the State Attorney General's office finds this rare exception is proper and legal. This will also assure the State will not lose Medicaid funding from the federal government. Finally, if this bill becomes law, the current lawsuit by the Kawamoto family should be dismissed against the State of Hawaii, because they will no longer have standing, because the new law will allow the Kawamoto husband and wife to lawfully reside in the same community care foster family home together. In the end this will be a win-win for the Legislature, because they no longer have to draft legislation again for similar cases in the future, the department of health with work with the department of human services to ensure the integrity of the Medicaid care homes are not violating any Federal Law should they decide and agree in rare cases to allow for two private pay couples in a "marriage or civil union", and the Attorney General's office will review the case to ensure no violation of the Medicaid rules to ensure continued Federal funding of Medicaid for the State Medicaid system and clients in Hawaii. For all of the foregoing reasons, I support HB1396 - in it's proposed HD1 form, because it was worked on by all stake holders.

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](mailto:webmaster@capitol.hawaii.gov)



todd2 - Chloe

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 15, 2017 7:07 AM  
**To:** HUS testimony  
**Cc:** rkailianu57@gmail.com  
**Subject:** \*Submitted testimony for HB1388 on Feb 15, 2017 09:00AM\*

**HB1388**

Submitted on: 2/15/2017

Testimony for HUS on Feb 15, 2017 09:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Individual	Support	Yes

Comments:

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](mailto:webmaster@capitol.hawaii.gov)

todd2 - Chloe

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 15, 2017 8:25 AM  
**To:** HUS testimony  
**Cc:** rkailianu57@gmail.com  
**Subject:** \*Submitted testimony for HB1396 on Feb 15, 2017 10:31AM\*

**HB1396**

Submitted on: 2/15/2017

Testimony for HUS on Feb 15, 2017 10:31AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Individual	Support	Yes

Comments:

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](mailto:webmaster@capitol.hawaii.gov)