

**HB-1872**

Submitted on: 1/27/2020 5:57:37 PM

Testimony for HSH on 1/31/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louis Erteschik	Hawaii Disability Rights Center	Support	No

Comments:

The Long Term Care Ombudsman Program serves a very important function and in some ways acts in parallel fashion and overlaps with the clients we serve. We have always found them to be very helpful and we know that for a long time they have been in need of additional resources, particularly on the neighbor islands. This issue has been before the legislature for several years and we hope that finally they will receive the appropriations that they need.



COMMITTEE ON HUMAN SERVICES & HOMELESSNESS

Rep. Joy A. San Buenaventura, Chair  
Rep. Nadine K. Nakamura, Vice Chair

Rep. Della Au Belatti                      Rep. Calvin K.Y. Say  
Rep. Bertrand Kobayashi                Rep. James Kunane Tokioka  
Rep. John M. Mizuno                      Rep. Gene Ward

NOTICE OF HEARING

DATE:            Friday, January 31, 2020  
TIME:            8:30 a.m.  
PLACE:          Conference Room 329

*Testimony of John G. McDermott, LSW, ACSW, M.Div.  
State Long-Term Care Ombudsman  
In **strong support** of HB1872*

**Purpose** of HB1872: To appropriate funds to the Office of the Long-Term Care Ombudsman for six full-time (6.0 FTE) ombudsman specialist positions; two each on Oahu and Hawaii and one each on Kauai and Maui.

Good morning, Chair San Buenaventura, Vice Chair Nakamura and members of the Committee.

My name is John G. McDermott and I have been the State Long-Term Care Ombudsman (SLTCO) since August, 1998.

In 1978 the Older Americans Act (OAA) required all states have an Office of the Long-Term Care Ombudsman Program. In 1979 HRS 349 was amended to conform with federal law.

The National Institute of Medicine’s 1995 report, “Real People, Real Problems: An Evaluation of the Long-Term Care Ombudsman Programs of the Older Americans Act recommended **at a minimum** 1 FTE ombudsman per 2,000 residents.

- Hawaii has 1 FTE ombudsman per 12,889 residents.
- National average is 1 ombudsman to 2,208 beds.

This study was done at a time when most residents were in nursing homes. Today’s residents live in many more types of facilities (Adult Residential Care Homes, Assisted Living Facilities, Community Care Foster Family Homes) and in Hawaii they are spread over 6 different islands, so the logistics are more complicated than in 1995 and require greater staffing and funding.

The OAA mandates all residents **“have regular and timely access to the LTCOP services.”** AOA/Administration on Community Living (ACL) interprets this as “every resident, at a

minimum, should be visited quarterly.” Our 12,889 long-term care residents live in 1,727 facilities. A quarterly visit means I need to visit **28.78 facilities/day!**

Kauai has 5 NHs w/333 beds, 1 AL w/100 beds, 21 CCFFHs w/48 beds and 6 ARCHs w/26 beds so **33 LTC facilities with 507 beds.**

Maui has 4 NHs w/ 459 beds, 1 AL w/ 144 beds, 59 CCFFHs w/150 beds and 12 ARCHs w/72 beds so **76 LTC facilities with 825 beds.**

Hawaii has 8 NHs w/870 beds, 1 AL w/220 beds, 125 CCFFHs w/339 beds and 42 ARCHs w/190 beds so **176 LTC facilities with 1,619 beds.**

Oahu has 30 NHs w/2,830 beds, 15 ALFs w/2,379 beds, 1,024 CCFFHs w/2,616 beds and 373 ARCHs w/2,113 beds so **1,442 LTC facilities with 9,938 LTC beds.**

Travel to a Neighbor Island includes airfare + car rental + airport parking + per diem. On January 22<sup>nd</sup> of this year, the average cost would be \$150 + \$60 + \$18 + \$20 = \$248/trip.

Since airlines require passengers arrive one hour before departure – and factoring in the time flying, time picking up the rental car, time driving to the facilities – I have just wasted 2 hours there and two hours back so *only 4 hours left to visit* with the residents.

The time and cost involved clearly demonstrates its much more effective to have “local” ombudsmen who live on the Neighbor Islands, know the people and the community, can be available for evenings or weekend investigations, family councils, senior fairs, recruiting volunteers, working with the local media, County Council and local Area Agencies on Aging.

Neighbor Island residents pay the same federal and state taxes as Oahu, yet they have never had the same “*regular and timely access to services*” provided by the LTCOP. It’s unfair.

One FTE Ombudsman for the entire State doesn’t work. Our young people are moving away. It’s too expensive to live here. Affordable housing is nonexistent. For the kupuna who decide to stay behind, the *extended ohana* are no longer available to help them, support them, protect them. Our ombudsmen help fill in for that loss. Residents know what they tell the ombudsman is confidential and that the ombudsman will visit again on a regular basis so if their situation deteriorates, the ombudsman will be there to advocate on their behalf.

The LTCOP tries to protect our most vulnerable, and often hidden from sight, kupuna. The LTCOP should not be confused with Adult Protective Services or the Department of Health’s Office of Health Care Assurance (the licensing agency). APS only investigates cases of abuse or neglect and they have a screening process to weed out callers. DOH focuses mostly on annual inspections and then they are gone. Yes, they also investigate complaints but only the LTCOP is there to *pro-actively* prevent problems; to work with residents, family and staff to make the facility better; to provide support and protection to the residents, as well as to investigate complaints and address concerns by visiting at least once a quarter.

Please support this bill.

Mahalo for giving me this opportunity to testify.



THE HOUSE OF REPRESENTATIVES  
Committee on Human Services and Homelessness  
Friday, January 31, 2020  
8:30 a.m.  
Conference Room 329

**RE: HB 1872 RELATING TO AN APPROPRIATION FOR THE OFFICE OF LTC OMBUDSMAN PROGRAM**

To: Representative Joy San Buenaventura, Chair

AARP is a membership organization of people age fifty and over, with nearly 145,000 members in Hawaii. AARP advocates and provides information on issues that matter to our kupuna and their families, including affordable, accessible, quality healthcare, financial resiliency, and livable communities.

HB 1872 appropriates funding to the office of Long Term Care Ombudsman to establish six full time equivalent ombudsman specialists for the counties of Oahu, Hawaii, Kauai and Maui.

AARP **strongly supports** HB 1872. This office is greatly understaffed to respond and investigate complaints and concerns of long term residents who reside in Hawaii's long term care facilities. There is currently one ombudsman and nine ombudsman volunteers responsible to visit residents in Hawaii's 1,696 facilities, which include adult residential care homes, foster care homes, assisted living and nursing homes, caring for over 12,000 residents.

The requested appropriation provides the necessary funding to hire additional ombudsman specialists in each county who can address our vulnerable residents' needs and concerns in the most expedient manner.

Thank you for the opportunity to testify in support of HB 1872.

Keali'i Lopez, State Director  
AARP Hawaii

Representative Joy San Buenaventura, Chair  
Representative Nadine Nakamura, Vice Chair

HB 1872  
Making Appropriations to the Office for the Long Term Care Ombudsman

Chair, San Buenaventura, Vice Chair Nakamura and members of the Committee,

My name is Beverly Gotelli and a member of the Policy Advisory Board for Elder Affairs (PABEA) which has a statutory obligation to advocate on behalf of the senior citizens of Hawaii. While we advise the Executive Office on Aging, we do not speak on its behalf.

I'm writing in support of HB 1872, Making Appropriation to the Office for the Long Term Care Ombudsman. This legislation is seeking six (6) full time positions; two on Oahu, two on Hawaii, one on Kauai and one on Maui. It is necessary to have an ombudsman on each island. The role of the ombudsman is to identify, investigate and resolve complaints made by or on behalf of long-term care residents. Ombudsman protects the health, safety, welfare and rights of all residents.

I will say I don't know much on this topic, but I do know that our Kupuna need to have an advocate speaking for them. I believe this is the role of the ombudsman. The sad part is there is not enough manpower to assist the elderly throughout the State.

I support this legislation for the well being of our Kupuna.

Thank you for the opportunity to present testimony.

Beverly Gotelli  
PABEA Member

Harry Kim  
Mayor



William H. Farr  
Acting Executive on Aging

## County of Hawai'i

### OFFICE OF AGING

Aging and Disability Resource Center, 1055 Kino'ole Street, Suite 101, Hilo, Hawai'i 96720-3872  
Phone (808) 961-8600 ♦ Fax (808) 961-8603 ♦ Email: hcoa@hawaiiantel.net  
West Hawai'i Civic Center, 74-5044 Ane Keohokālole Highway, Kailua-Kona 96740  
Phone (808) 323-4390 ♦ Fax (808) 323-4398

January 29, 2020

The Honorable Representative Joy A. San Buenaventura, Chair  
The Honorable Representative Nadine K. Nakamura, Vice-Chair  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

**Re: Strong Support of HB1872, relating to MAKING AN APPROPRIATION FOR THE  
OFFICE OF THE LONG-TERM CARE OMBUSMAN PROGRAM  
8:30 A.M., January 31, 2020, Conference Room 329**

Dear Representative San Buenaventura and Members of the Committee on Human Services & Homelessness:

I am writing this letter in strong support of the Kupuna Caucus initiative to appropriate funds to the office of the Long-Term Care Ombudsman program (LTCOP) for six full-time (6.0 FTE) ombudsman specialist positions; two each on Oahu and Hawaii and one each on Kauai and Maui.

Although, Hawaii's LTCOP staffing has remained the same since 1978, current demographics of Hawaii's older individuals has continued to increase. While in previous years, when most residents were living in nursing homes, the current population has shifted where many more are now living out in the community. To visit all of these residents, on six different islands creates a logistical challenge under current staffing levels.

As a federally-mandated program, our LTCOP continues to remain at the bottom of the list in terms of staffing and funding across the country. The proposed appropriation will only meet staffing standards set in 1995, and does not take into account federally mandated changes in the Older American Act title VII requirements.

In supporting this appropriation, we will continue show our support for some of the most vulnerable residents in our State.

Thank you,

A handwritten signature in blue ink that reads "William H. Farr".

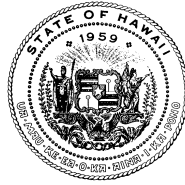
William "Horace" Farr  
Acting Executive on Aging  
Hawaii County Office of Aging



*An Area Agency on Aging*

*Hawai'i County is an equal opportunity provider and employer.*

DAVID Y. IGE  
GOVERNOR OF HAWAII



CAROLINE CADIRAO  
DIRECTOR

BRUCE S. ANDERSON, Ph.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
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**Testimony COMMENTING on HB1872  
Relating to An Appropriation for the Office of the Long-Term Care Ombudsman Program**

COMMITTEE ON HUMAN SERVICES & HOMELESSNESS  
Representative Joy A. San Buenaventura, Chair  
Representative Nadine K. Nakamura, Vice Chair

Testimony of Caroline Cadirao  
Director, Executive Office on Aging  
Attached Agency to the Department of Health

Hearing Date: January 31, 2020  
9:30 A.M.

Room Number: 329

- 1 **EOA's Position:** The Executive Office on Aging (EOA), an attached agency to the Department
- 2 of Health, is providing comments for SB 2337 relating to an appropriation for the Office of the
- 3 Long-Term Care Ombudsman Program, a program of the EOA.
- 4 **Fiscal Implications:** This measure appropriates \$467,651 for fiscal year 2020-2021 to be
- 5 expended by the Executive Office on Aging to establish six full-time equivalent (6.0 FTE)
- 6 ombudsman positions and operating expenses.
- 7 **Purpose and Justification:** The Long-Term Care Ombudsman Program is required by federal
- 8 law (Title VII, Chapter 2, Section 711 of the Older Americans Act (OAA) of 1965, as amended
- 9 by Public Law 89-73) and state law (Hawaii Revised Statutes Section 349-21) to protect the
- 10 human and civil rights of residents in all long-term care settings. The OAA requires the Long-
- 11 Term Care Ombudsman to visit facilities quarterly, respond to complaints, engage in
- 12 investigations, provide information, assistance and referrals to long-term residents and their

1 families, facilitate family councils statewide, provide community education, and administer the  
2 program.

3 The LTCOP has 1 Long-Term Care Ombudsman, 1 Volunteer Coordinator, and 1 Oahu  
4 Ombudsman position that is established but needs to be filled. EOA has 3 small purchase  
5 contracts with the counties of Hawaii, Kauai, and Maui. These contractors are trained  
6 Ombudsmen and have assisted to expand quarterly visits; however, they do not replace the  
7 unmet needs that would be filled by full-time staff. The Institute on Medicine recommended in  
8 1995 at minimum one full-time ombudsman for every two thousand residents. Hawaii has 1,727  
9 total facilities with 12,889 residents statewide. Based on these statistics, EOA should have 6 full-  
10 time long-term care ombudsmen.

11 Hawaii has the longest life expectancy at 81.3 years of age. The population of the state is 1.4  
12 million people with 1 in 4 over 60 years of age. By 2030, the state population will increase to 1.5  
13 million with 1 in 3 being over the age of 60. Long-term care residents are the most needy and  
14 vulnerable elderly in our community.

15 EOA conducted a comparison of other LTCOP in states of similar size.

- 16 • Maine population of 1.3 million =13 full-time employees
- 17 • West Virginia population of 1.79 million =11 full-time employees
- 18 • New Hampshire population of 1.36 million = 5 full-time employees

19 To meet the goal of quarterly visits and to advocate for the most vulnerable residents in all care  
20 settings, the Long-Term Care Ombudsman would need to conduct 28 visits a day statewide.

21 The long-term care ombudsman program requires state support to meet the needs of residents in  
22 long-term care settings and to be in compliance with federal and state laws.



1 EOA would like to offer a correction to SB2337. Page 2, line 11 delete the word “annual” and  
2 replace with the word “quarterly” to read “lacks staff to visit each facility on a quarterly basis...”  
3 We fully support the need to expand staffing and to be in alignment with state and federal laws.  
4 We look towards the future as the population continues to increase. EOA through the LTCOP  
5 needs to meet its obligation to residents in all care settings.  
6 **Recommendation:** The Long-Term Care Ombudsman Program is not part of the  
7 Administration’s budget request. We support funding this program provided that its enactment  
8 does not reduce or replace priorities with the Administration’s budget request.  
9 Thank you for the opportunity to testify.

**HB-1872**

Submitted on: 1/30/2020 8:09:01 AM

Testimony for HSH on 1/31/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Linda Muralidharan	AARP	Support	No

Comments:

I support the passage of this bill. The Longterm Care Ombudsman office is an essential part of ensuring a good quality of life in Hawaii.

It is not only essential for many kapuna but also for families who need peace of mind that their loved ones are well cared for in various long term care settings. We need adequate staffing to investigate and ensure compliance with good standards of care and the dedicated volunteers need staff support.

I can attest to the latter personally. In another state, I served as a long term care volunteer for a short time. I know my visits to small group home faciities was appreciated and in one case I was able to negotiate a safer situation for a resident.

Please bring Hawaii up to reasonable and current national standards of funding and staffing for this invaluable service.

**HB-1872**

Submitted on: 1/28/2020 2:15:33 PM

Testimony for HSH on 1/31/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Clarence Agena	Individual	Support	No

Comments:

I have been a volunteer in the LTCOP for two years, and have been an advocate for residents primarily at Ka Punawai Ola Nursing Facility in Kapolei. I spend over two hours per week helping the residents in the facility. I'm also involved with the city's Elderly Affairs Division as a volunteer. In the past, I was actively involved in the Waipahu Community Association. My past career was with the Hawaii National Guard and State Department of Defense. My focus now as a volunteer is with the LTCOP, and being a volunteer mentor, advisor, and counselor for seniors and caregivers. As a 75 year old senior myself, I'm keeping myself busy helping others. Please support HB1872.

**HB-1872**

Submitted on: 1/28/2020 8:09:46 PM

Testimony for HSH on 1/31/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carmie Spellman	Individual	Support	No

Comments:

**HB-1872**

Submitted on: 1/29/2020 11:04:56 AM

Testimony for HSH on 1/31/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara L Franklin	Individual	Support	No

Comments:

I support passage of HB 1872. The need for adequate coverage of long term care facilities is urgent. The ombudsman positions provide a valuable service to make sure that surveys of the facilities are thorough, transparent and reported in a timely fashion. If such positions are not filled, neglect and abuse of elders can go undetected. Let's care for our elders; we may all be there at some point in our lives.

**HB-1872**

Submitted on: 1/29/2020 8:05:51 PM

Testimony for HSH on 1/31/2020 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lynn Niitani	Individual	Support	No

Comments:

To: Committee on Human Services & Homelessness Chair Joy A. San Buenaventura and Vice Chair Nadine K. Nakamura

RE: House Bill 1872 MAKING AN APPROPRIATION FOR THE OFFICE OF THE LONG-TERM CARE OMBUDSMAN PROGRAM

I strongly support this measure to appropriate \$467,651 to establish positions and provide support to the long-term care ombudsman program. Long-term care ombudsmen serve residents by advocating for quality care that can affect changes to simple but important things like the right to nutritious food or a comfortable room temperature to serious issues like receiving appropriate and timely care. The advocacy ombudsmen provide may lead to improved quality of life for vulnerable citizens who are dependent on others for their care.

Having visited relatives in long-term care facilities, I know how important it is to have an advocate who is outside of the facility to whom I can turn to for advice and information free from bias and without fear of retaliation. All of our kupuna deserve access to these services and John McDermott has been doing this alone for too long. It is time to dedicate funding to these much-needed services and ensure this program has the resources it needs.

Thank you very much for the opportunity to submit my testimony in support of HB 1872.

Lynn Niitani

Aina Haina

Committee on Human Services & Homelessness  
Friday, January 31, 2020  
8:30 a.m.  
Conference Room 329

Testimony and Comments in Support of HB 1872  
Relating to Making An Appropriation for  
the Office of the Long-Term Care Ombudsman Program.

Aloha Chair Rep. Joy A. San Buenaventura, Vice-Chair Rep. Nadine K. Nakamura and  
Members of the Committee

My name is Anna Filler, and I am writing to express my support of HB 1872, relating to Making  
an Appropriation for the Office of the Long-Term Care Ombudsman Program. Appropriates  
funds to the office of the Long-term Care Ombudsman for six full-time (6.0 FTE) ombudsman  
specialist positions; two each on Oahu and Hawaii and one each on.

Thank you for considering my testimony for HB 1872.

Anna Filler  
Kakaako, District 12  
afiller@twc.com

## HB1872 Making Appropriations to the Office of the Long-Term Care Ombudsman Program

January 31, 2020 8:30 a.m. Room 309

Aloha Chair San Buenaventura, Vice Chair Nakamura and committee members

I am a member of the Policy Advisory Board for Elder Affairs, Kokua Council, the Hawaii Alliance of Retired Americans and I volunteer with AARP. I am submitting this testimony as an individual.

I encourage your strong support of HB1872, which would fund six full-time Long-Term Care Ombudsmen (LTCO). This would include two LTCO on Oahu, two on the Big Island, one on Maui and one on Kauai). According to a federal study, states should have one LTCO for every 2000 residents in nursing homes/care homes. Hawaii has over 12,600 individuals in such facilities. There is currently one LTCO, one volunteer coordinator and one clerk for the entire state. Logistically, there is no way that that one LTCO can visit these patients, even once a year, much less quarterly. Doing the math, he would have to see more than 28 people every day!

Residents of these facilities are usually elderly and frail and, often, have no family or friends to confirm they are getting their needs met. This is the role of the Long-Term Care Ombudsman.

Hawaii has a history of caring for its Kupuna. Please ensure that our most vulnerable citizens are protected.

Barbara J. Service MSW (retired Child Welfare Services supervisor)

Senior Advocate



## HB 1872 Making an Appropriation for the Office of the Long Term-Care Ombudsman Program

My name is Ronald Ueoka (retired for 15 ½ years). For the past 8 ½ years I have been a volunteer for the State of Hawaii Long Term Care Volunteer Ombudsman Program at the Hilo Life Care Center. During this time, I've come to realize that our kupuna are in need of a strong viable ombudsman program. John McDermott and his assistant Lynn Niitani are great advocates for the elderly but lack the personnel to adequately fulfill the requirements mandated by the Older American Act. I therefore ask that you support HB 1872. With the enactment of this bill the Long Term-Care Ombudsman Program can monitor that the rights provided by the OAA are afforded the residents of long term- care facilities.

**LATE**

The Thirtieth Legislature  
Regular Session of 2020

HOUSE OF REPRESENTATIVES  
Committee on Human Services & Homelessness  
Rep. Joy A. San Buenaventura, Chair  
Rep. Nadine K. Nakamura, Vice Chair  
State Capitol, Conference Room 329  
Friday, January 31, 2020; 8:30 a.m.



**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 1872  
MAKING AN APPROPRIATION FOR THE OFFICE OF THE  
LONG-TERM CARE OMBUDSMAN PROGRAM**

The ILWU Local 142 supports H.B. 1872, which appropriates funds to the Office of the Long-Term Care Ombudsman for six full-time equivalent positions, two each on Oahu and Hawaii and one each on Kauai and Maui.

Although nationally recognized standards recommend a minimum of one full-time paid ombudsman for every 2,000 long-term care patients, Hawaii's ombudsman program has had only a staff of one since the Executive Office on Aging's reorganization in 2015—this despite the fact that Hawaii's long-term care population has steadily increased during those years. When staffing had been severely cut, volunteers were recruited, but these volunteers cannot compensate for lack of full-time staff.

Long-term care ombudsmen are vital to ensuring that elderly and disabled individuals who are forced to live in long-term care facilities are properly cared for, receive compassionate and appropriate care, and receive the services they need.

With the likelihood of long-term care facilities increasing as Hawaii's aged population continues to grow and long-term care needs escalate, Hawaii must provide for ombudsmen who can help to ensure the quality of facilities and staffing that serve this particularly vulnerable population.

The ILWU urges passage of H.B. 1872. Thank you for considering our testimony.