

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

**Testimony in SUPPORT of S.B. 2432**  
**RELATING TO HEALTH.**

SENATOR JOY A. SAN BUENAVENTURA, CHAIR  
SENATE COMMITTEE ON HUMAN SERVICES  
SENATOR JARRETT KEOHOKAOLE, CHAIR  
SENATE COMMITTEE ON HEALTH

Hearing Date: Thursday, February 10, 2022

Room Number: Video Conf.

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department SUPPORTS S.B. 2432 and appreciates the  
3 Legislature's support in our mutual aim to safeguard the public, protect aged and vulnerable  
4 persons, and ensure quality of care by requiring and enforcing that all residential care homes and  
5 other health care facilities, agencies and organizations are licensed pursuant to state law.  
6 However, the Department requests one (1) minor change in language as identified at the end of  
7 this testimony.

8 The Department is actively investigating 69 complaints from a total of 200 complaints  
9 received over the past two (2) years. Enforcement actions were taken, investigations were closed  
10 without further action, and other investigations are pending. Enforcement includes issuing  
11 notices of violation and orders (NOVOs) which include immediate cease and desist orders, the  
12 required discharge or transfer of residents to licensed care homes or facilities, and issuing  
13 administrative penalties. To date, the Department has closed seven (7) homes or facilities and  
14 collected approximately \$175,000 in administrative penalties, and several other homes are in the

1 appeal hearings process. The Department anticipates being successful in the appeals hearings so  
2 additional homes will become closed and additional administrative penalties collected.

3 In addition, there are a small but growing number of care homes appearing to masquerade  
4 as rental homes with several unrelated tenants all requiring care services. Homes usually meet  
5 the definition of residential care homes, but landlords cite the exclusion clause to avoid the  
6 state's enforcement of licensing requirements. The state is concerned that more of these homes  
7 will open or that current licensed care homes will surrender their license and claim the exclusion,  
8 increasing the risk of substandard quality of care or living conditions on our vulnerable  
9 population. The home is the environment of care and should be inspected along with the  
10 caregiver services to ensure optimal health outcomes. This would prevent persons who require  
11 care from being in accommodations which could be hazardous to their health, safety, or welfare,  
12 such as homes or bedrooms without smoke or fire detectors, or inadequate ingress and egress  
13 points for persons in wheelchairs or with walkers or other assistive devices to escape in case of  
14 fire or other emergency, or cramped and overcrowded bedrooms, or dilapidated living  
15 conditions, or homes or bedrooms that don't meet county codes for occupancy, or have  
16 inadequate utilities.

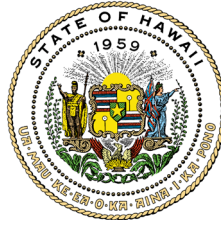
17 Enforcement activities are a critical component of the state's regulatory efforts to ensure  
18 the health, safety, and welfare of our *kupuna*, and such actions deserve our support.

19 Thank you for the opportunity to testify in SUPPORT of this bill.

20 **Requested Amendments:** Change the word "fine" to "administrative penalty" to be consistent  
21 with HRS 321-20. Specifically, on page 3, line 12, change "a fine" to "an administrative  
22 penalty" and line 18, change "fine" to "administrative penalty."

DAVID Y. IGE  
GOVERNOR OF HAWAII

ELIZABETH A. CHAR, M.D.  
DIRECTOR OF HEALTH



CAROLINE CADIRAO  
DIRECTOR

Telephone  
(808) 586-0100

Fax  
(808) 586-0185

**STATE OF HAWAII**  
**EXECUTIVE OFFICE ON AGING**  
NO. 1 CAPITOL DISTRICT  
250 SOUTH HOTEL STREET, SUITE 406  
HONOLULU, HAWAII 96813-2831

**Testimony in SUPPORT of SB2432**  
**Relating to Health**

COMMITTEE ON HUMAN SERVICES  
SENATOR JOY A. SAN BUENAVENTURA, CHAIR  
SENATOR LES IHARA JR., VICE CHAIR

COMMITTEE ON HEALTH  
SENATOR JARRETT KEOHOKALOLE, CHAIR  
SENATOR ROSALYN H. BAKER, VICE CHAIR

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

Hearing Date: February 10, 2022  
3:00 PM

Room Number: 225  
via Videoconference

1 **EOA's Position:** The Executive Office on Aging (EOA), an attached agency to the Department  
2 of Health, is in strong support of SB2432, Relating to Health.

3 **Fiscal Implications:** There are no fiscal appropriations included with this measure.

4 **Purpose and Justification:** The purpose of this bill is to bolster the Department of Health's  
5 enforcement activities to protect the health, safety, and welfare of the State's elderly and  
6 vulnerable populations by:

7 (1) More clearly defining the group of professionals who are prohibited from knowingly  
8 referring or transferring patients to an uncertified or unlicensed care facility;

9 (2) Repealing the provision that a landlord, under specified conditions, shall not be  
10 deemed to be providing home care services or operating a care facility that requires a  
11 license; and

1 (3) Requiring the Department of Health to prioritize complaint allegations based on  
2 severity for investigations of state-licensed or state-certified care facilities.

3 Elder abuse and neglect continue to be a hidden epidemic. Unlicensed care facilities are often  
4 operating in single, family homes in residential neighborhoods and are hidden in plain sight.

5 Unlicensed care facilities pose serious potential risks to the health and safety of elderly and  
6 vulnerable adults and are in danger of abuse and neglect. While increased monitoring and

7 investigation of unlicensed and uncertified care facilities are encouraged it is just as important to  
8 stop those who are referring patients to these facilities. This measure will make it illegal for any

9 person or corporation in the healthcare or human services community to knowingly refer a  
10 patient to an unlicensed or uncertified care facility and establishes fines for such violations.

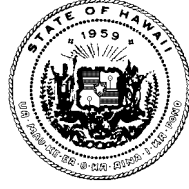
11 This measure will also enhance the authority of State health officials to make unannounced visits  
12 and inspections for state-licensed and state-certified facilities. Unannounced visits and

13 inspections will help to make care facilities more accountable and can ensure that the quality of  
14 care and conditions of the facility are maintained regularly and not just for an announced visit.

15 **Recommendation:** The EOA strongly supports SB2432 which will help to protect the rights of  
16 and ensure the quality of care for the State's elderly and vulnerable populations.

17 Thank you for the opportunity to testify.

DAVID Y. IGE  
GOVERNOR



CATHY BETTS  
DIRECTOR

JOSEPH CAMPOS II  
DEPUTY DIRECTOR

STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**

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

February 7, 2022

TO: The Honorable Joy A. San Buenaventura, Chair  
Committee on Human Services

The Honorable Senator Jarett Keohokalole, Chair  
Senate Committee on Health

FROM: Cathy Betts, Director

**SUBJECT: SB 2432 – RELATING TO HEALTH.**

**HEARING:** Thursday, February 10, 2022, 3:00 p.m.  
Via Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) provides comments and defers to the Department of Health.

**PURPOSE:** The purpose of this measure is to clearly define the group of professionals who are prohibited from knowingly referring or transferring patients to an uncertified or unlicensed care facility. Repeals the landlord exclusion. Requires the Department of Health to prioritize complaint allegations based on severity for inspections of state-licensed or state-certified care facilities.

As drafted, the passage of this bill would not change the delivery of services provided by DHS Adult Protective and Community Services Branch (APCSB). For the Legislature's information, when DHS receives a report of alleged abuse in a suspected uncertified or unlicensed home or facility, DHS procedure is to cross report to the Department of Health, Office of Health Care Assurance. However, DHS is not required to do so.

Thank you for the opportunity to provide testimony.



## **SB2432 Fining Healthcare Professionals For Referrals**

### COMMITTEE ON HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair

Senator Les Ihara, Jr., Vice Chair

### COMMITTEE ON HEALTH

Senator Jarrett Keohokalole, Chair

Senator Rosalyn H. Baker, Vice Chair

Thursday, Feb. 10, 2020: 3:00 pm: Videoconference

## **Hawaii Substance Abuse Coalition Oppose SB2432:**

*ALOHA CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies.*

## **HSAC opposes this bill for fining substance abuse workers and agencies.**

**Substance abuse workers may knowingly refer to another facility but would be unknowing whether it is licensed.**


It is the state's job to license, monitor or close down inappropriate facilities.

Providers support those facilities that are not doing a good job should be better managed by state licensing.

**Often healthcare professionals don't know which facility is licensed** or not because the **state does not provide information** that is readily and immediately available to them.

**The state often provides temporary licenses to new facilities** who are working on obtaining their one year of service to meet their accreditation license. Referring counselors don't know if the facility has a temporary or is in the lengthy process to get a temporary license. **Often when facilities are in the process of licensure, the state allows operations.**

**Also, facilities may be out there for a couple of years and counselors wouldn't know if they are licensed because they are not informed.** The



**The State needs to provide better information for referring counselors to know if a new facility has a temporary license or if an existing license is under suspension.**

counselor assumes that the facility is licensed. The state needs to take faster action or better inform substance use facilities about licensure.

**Substance abuse professionals work on the front lines of care and often risk their lives** as well as COVID-19 exposure to their families in the performance of their care. They need our support.

We appreciate the opportunity to provide testimony.

**SB-2432**

Submitted on: 2/9/2022 7:03:40 AM

Testimony for HTH on 2/10/2022 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jomel Duldulao	Individual	Support	No

Comments:

**TESTIMONY IN SUPPORT OF SB2432**

**RELATING TO HEALTH**

---

---

COMMITTEE ON HUMAN SERVICES

SENATOR JOY A. SAN BUENAVENTURA, CHAIR

SENATOR LES IHARA JR., VICE-CHAIR

COMMITTEE ON HEALTH

SENATOR JARRETT KEOHOKALOLE, CHAIR

SENATOR ROSALYN H. BAKER, VICE-CHAIR

Aloha, my name is Jomel Duldulao and I am currently serving as a Long Term Care Ombudsman contractor in Oahu. I have been in this capacity for the past 12 months. Many care home operators and caregivers in the community that I have spoken to are also concerned about these unlicensed care facilities. These same care home operators also mentioned to me that many of the residents are referred to unlicensed care facilities from other large institutions. I have also spoken to some family members while visiting their loved ones in a licensed care home that they had moved their loved ones because they couldn't visit their loved ones often, they weren't getting great care, there were no case managers, no support when they had concerns, and that there was no one they could turn to for help.

As the LTC Ombudsman contractor in Oahu, I am not able to advocate, visit or provide any help to any of the residents in an unlicensed care facility when they may need it the most. I want to



make sure that all our kupuna and vulnerable residents have the same rights, are safe, are heard, protected, and provided excellent quality of care.

**Please** support SB2432 which will help to protect the rights of and ensure the quality of care for the State's elderly and vulnerable residents.

Thank you for the opportunity to testify.

Respectfully,

Jomel Duldulao

Honolulu