

JOSH GREEN M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR



GARY S. SUGANUMA
DIRECTOR

KRISTEN M.R. SAKAMOTO
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF TAXATION

Ka 'Oihana 'Auhau
P.O. BOX 259

HONOLULU, HAWAII 96809
PHONE NO: (808) 587-1540
FAX NO: (808) 587-1560

**TESTIMONY OF
GARY S. SUGANUMA, DIRECTOR OF TAXATION**

TESTIMONY ON THE FOLLOWING MEASURE:

H.B. No.1369, H.D. 1, Relating to Nursing Facilities

BEFORE THE:

House Committee on Finance

DATE: Friday, February 24, 2023

TIME: 11:30 a.m.

LOCATION: State Capitol, Room 308

Chair Yamashita, Vice-Chair Kitagawa, and Members of the Committee:

The Department of Taxation ("Department") offers the following comments regarding H.B. 1369, H.D. 1, for your consideration.

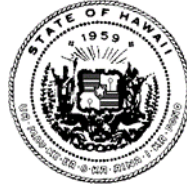
H.B. 1369, H.D.1, repeals chapter 346E, Hawaii Revised Statutes (HRS), relating to the Nursing Facility Tax, and repeals section 237-24.7, HRS, which exempts taxes on nursing facility income imposed by chapter 346E, HRS, and passed on and collected by operators of nursing facilities, from the general excise tax. The measure has a defective effective date of June 30, 3000.

The Department is able to administer section 2 of this measure, relating to the repeal of the general excise tax exemption, by July 1, 2023.

The Department estimates no material revenue impact for fiscal year 2024 and thereafter.

Thank you for the opportunity to provide comments on this measure.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 23, 2023

TO: The Honorable Representative Kyle T. Yamashita, Chair
House Committee on Finance

FROM: Cathy Betts, Director

SUBJECT: [HB 1369 HD1](#) - RELATING TO NURSING FACILITIES.

Hearing: February 24, 2023, 11:30 a.m.
Conference Room 308 & Videoconferencing, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this bill as it is similar to SB 314 and administration measures.

PURPOSE: This bill repeals the sunset dates of Act 156, SLH 2012, and Act 124, SLH 2014, to make the nursing sustainability program permanent and permanently exempt the program from the central service and administrative expenses assessments. Repeals the nursing facility tax. Appropriates funds from the nursing facility sustainability program special fund. Effective 6/30/3000. (HD1)

The HD1 amended the measure by:

- (1) Clarifying that DHS may modify, add to, or exclude facilities exempt from the Nursing Facility Sustainability Fee Assessment if necessary for Centers for Medicaid and Medicaid Services approval and if the modification is otherwise consistent with the Nursing Facility Sustainability Program requirements;
- (2) Clarifying that DHS may impose the Nursing Facility Sustainability Fee on a monthly basis and the timeframe in which the fee must be paid;
- (3) Changing the appropriation to an unspecified amount;
- (4) Defecting the effective date; and

- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

DHS strongly supports this bill which will make the Nursing Facilities Sustainability Program permanent and continue the exemptions from special fund fees for the Nursing Facility Sustainability Program Special Fund. The State – government and providers - have successfully implemented the Nursing Facility Sustainability Program and the associated special fund for over ten years. The Special Fund receives moneys from the Nursing Facility Sustainability Fee, which is then used to match federal Medicaid funds. The total combined funds are used to increase reimbursements and pay for performance payments for quality improvement activities to the nursing facilities through capitation payments, with a greater benefit to those providing proportionately more services to Medicaid recipients. These additional moneys increase the sustainability of nursing facilities in Hawaii to continue as a critical part of the safety net and to incentivize quality using pay for performance.

Continuing to exempt the Nursing Facility Sustainability Fund from the central services expenses (section 36-27, Hawaii Revised Statutes (HRS)) and the administrative expenses (section 36-30, HRS) fees will maximize funds available to support the Nursing Facility Sustainability Program. DHS has worked closely with the Healthcare Association of Hawaii on this measure and appreciates its advocacy to ensure that exemptions from the special fund expenses are permanent.

Thank you for the opportunity to provide comments on this measure.

Friday, February 24, 2023 at 11:30 AM
Via Video Conference; Conference Room 308

House Committee on Finance

To: Representative Kyle Yamashita, Chair
Representative Lisa Kitagawa, Vice Chair

From: Michael Robinson
Vice President, Government Relations & Community Affairs

Re: **Testimony in Support of HB 1369, HD1
Relating to The Nursing Facility Sustainability Program**

My name is Michael Robinson, and I am the Vice President of Government Relations & Community Affairs at Hawai'i Pacific Health. Hawai'i Pacific Health is a not-for-profit health care system comprised of its four medical centers – Kapi'olani, Pali Momi, Straub and Wilcox and over 70 locations statewide with a mission of creating a healthier Hawai'i.

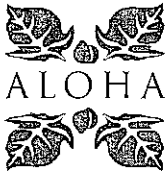
HPH writes in support of HB 1369, HD1 which makes permanent and amends the Nursing Facility Sustainability Program.

Recognizing that Medicaid payments to nursing facilities remain below the actual costs of delivering care, the Legislature created the Nursing Facility Sustainability Program in 2012, which improves Medicaid payments to nursing facilities. The Nursing Facility Sustainability Program assists nursing facilities in the State by mitigating losses that are incurred when taking care of underserved populations, and ensures access for seniors needing long-term care. No general funds support the Program. Nursing facilities play a critical role in the continuum of care certain patients need upon being discharged from an acute care hospital.

Our hospital system experiences a significant waitlist of patients to be transferred to sub- or post-acute care settings. Nursing facilities fill that gap. These patients no longer need acute care but because of limited community-based resources and low Medicaid reimbursement, our hospitals are unable to discharge patients to nursing facilities. This situation in turn creates a waitlist for patients requiring admission to the hospitals for acute care.

Making the Nursing Facility Sustainability Program permanent through this measure will help to preserve and enhance access to health care for Medicaid recipients in Hawai'i.

Thank you for the opportunity to testify.



ALOHA NURSING REHAB CENTRE

45-545 Kamehameha Hwy. • Kaneohe, HI 96744
Phone 808-247-2220 Fax 808-235-3676

www.alohanursing.com

February 24, 2023 at 11:30am
Conference Room 308

House Committee on Finance

To: Chair Kyle T. Yamashita
Vice Chair Lisa Kitagawa

From: Amy Lee
Chief Executive Officer
Aloha Nursing Rehab Centre

Re: **Strong Support**
HB 1369 HD 1, Relating to Nursing Facilities

Aloha Nursing Rehab Centre is a 141-bed Skilled Nursing Facility located in Kaneohe, ministering to the needs of 350 seniors and their families annually and employing 160 dedicated staff. For over thirty years, Aloha Nursing has been contributing positively to the community and to the state economy.

Thank you for the opportunity to provide testimony in **strong support** of this bill. The Nursing Facility sustainability program is a key tool for the state to help ensure access to critical services for Medicaid enrollees. Most importantly, this **benefit is achieved without the use of any state general funds**. This is because the program levies a fee on participating providers. The funds generated through that fee are then used to draw down federal Medicaid dollars and are distributed back to the providers to help them cover the gap between what Medicaid reimburses and what Medicare reimburses. Although neither program covers the full cost of providing care, it is essential in helping to shore up the financial sustainability of the hospital system in the state.

The sustainability program was first established in 2012 when, recognizing that Medicaid payments were below the actual costs of care in nursing facilities, the legislature authorized this program. While the program was reauthorized annually for several years, the legislature passed a two-year authorization of the program in 2017. This was evidence of how successful the program has been, especially in bringing together public and private entities to help increase access to care for Medicaid recipients. The hospital sustainability program has proven successful for providers, beneficiaries, and the state, which is why this particular legislation would make the program permanent.

We are requesting two amendments to this measure. These amendments are critical to ensuring that we can maximize the federal Medicaid funds being drawn down by the state and used to support healthcare services and the MedQUEST division.

This language is included in the SD 1 version of the Senate companion bill, SB 314, in sections 2 and 3.

1. The first amendment would exempt this program from the central services fund and would read:

"(a) Except as provided in this section, and notwithstanding any other law to the contrary, from time to time, the director of finance, for the purpose of defraying the prorated estimate of central service expenses of government in relation to all special funds, except the:

- (1) Special out-of-school time instructional program fund under section 302A-1310;
- (2) School cafeteria special funds of the department of education;
- (3) Special funds of the University of Hawaii;
- (4) Convention center enterprise special fund under section 201B-8;
- (5) Special funds established by section 206E-6;
- (6) Aloha Tower fund created by section 206J-17;
- (7) Funds of the employees' retirement system created by section 88-109;
- (8) Hawaii hurricane relief fund established under chapter 431P;
- (9) Hawaii health systems corporation special funds and the subaccounts of its regional system boards;
- (10) Universal service fund established under section 269-42;
- (11) Emergency and budget reserve fund under section 328L-3;
- (12) Public schools special fees and charges fund under section 302A-1130;

- (13) Sport fish special fund under section 187A-9.5;
- (14) Neurotrauma special fund under section 321H-4;
- (15) Glass advance disposal fee established by section 342G-82;
- (16) Center for nursing special fund under section 304A-2163;
- (17) Passenger facility charge special fund established by section 261-5.5;
- (18) Solicitation of funds for charitable purposes special fund established by section 467B-15;
- (19) Land conservation fund established by section 173A-5;
- (20) Court interpreting services revolving fund under section 607-1.5;
- (21) Trauma system special fund under section 321-22.5;
- (22) Hawaii cancer research special fund;
- (23) Community health centers special fund;
- (24) Emergency medical services special fund;
- (25) Rental motor vehicle customer facility charge special fund established under section 261-5.6;
- (26) Shared services technology special fund under section 27-43;
- (27) Automated victim information and notification system special fund established under section 353-136;
- (28) Deposit beverage container deposit special fund under section 342G-104;
- (29) Hospital sustainability program special fund under section 346G-4;
- (30) Nursing facility sustainability program special fund established under section 346F-4;

(31) Hawaii 3R's school improvement fund under section 302A-1502.4;

(32) After-school plus program revolving fund under section 302A-1149.5;

(33) Civil monetary penalty special fund under section 321-30.2; and

[+](34)[+]Stadium development special fund under section 109-3.5,

shall deduct five per cent of all receipts of all other special funds, which deduction shall be transferred to the general fund of the State and become general realizations of the State. All officers of the State and other persons having power to allocate or disburse any special funds shall cooperate with the director in effecting these transfers. To determine the proper revenue base upon which the central service assessment is to be calculated, the director shall adopt rules pursuant to chapter 91 for the purpose of suspending or limiting the application of the central service assessment of any fund. No later than twenty days prior to the convening of each regular session of the legislature, the director shall report all central service assessments made during the preceding fiscal year."

2. The second amendment would exempt this program from the administrative expenses fund:

Section 36-30, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Each special fund, except the:

(1) Special out-of-school time instructional program fund under section 302A-1310;

(2) School cafeteria special funds of the department of education;

(3) Special funds of the University of Hawaii;

(4) Special funds established by section 206E-6;

(5) Aloha Tower fund created by section 206J-17;

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- (22) Rental motor vehicle customer facility charge special fund established under section 261-5.6;
- (23) Shared services technology special fund under section 27-43;
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- (25) Automated victim information and notification system special fund established under section 353-136;
- (26) Hospital sustainability program special fund under section 346G-4;

(27) Civil monetary penalty special fund under section 321-30.2; and

[+] (28) [+] Stadium development special fund under section 109-3.5,

shall be responsible for its pro rata share of the administrative expenses incurred by the department responsible for the operations supported by the special fund concerned

Thank you for the opportunity to provide supportive testimony for this critical program, which will help the state protect access to care for hundreds of thousands of Hawaii residents. We will continue our partnership with the MedQUEST office on this measure and appreciate your consideration of this important measure.



PALOLO CHINESE HOME
Better Care. Better Lives

February 24, 2023 at 11:30 am
Conference Room 308

House Committee on Finance

To: Chair Kyle T. Yamashita
Vice Chair Lisa Kitagawa

From: Darlene Nakayama
CEO
Palolo Chinese Home

Re: Strong Support
HB 1369 HD 1, Relating to Nursing Facilities

Palolo Chinese Home is a private, 501(c)(3) non-profit charitable organization and has been serving Hawaii's seniors for more than 125 years. Palolo Chinese Home was originally established to serve Chinese plantation workers who had no families in Hawaii to support them. Today, it serves all seniors, regardless of race, religion, nationality, or ethnic origin. PCH provides hospice, skilled rehab/nursing, residential care, day care, home care and meals to go. Almost 50% of PCH's nursing home residents are Medicaid. Medicaid services are also provided in PCH's meals to go, day care and home care programs.

Thank you for the opportunity to provide testimony in **strong support** of this bill. The nursing facility sustainability program is a key tool for the state to help ensure access to critical services for Medicaid enrollees. Most importantly, this **benefit is achieved without the use of any state general funds**. This is because the program levies a fee on participating providers. The funds generated through that fee are then used to draw down federal Medicaid dollars and are distributed back to the providers to help them cover the gap between what Medicaid reimburses and what Medicare reimburses. Although neither program covers the full cost of providing care, it is essential in helping to shore up the financial sustainability of the nursing facility system in the state.

The sustainability program was first established in 2012 when, recognizing that Medicaid payments were below the actual costs of care for nursing facilities, the legislature authorized this program. While the program was reauthorized annually for several years, the legislature passed a two-year authorization of the program in 2017. This was evidence of how successful the program has been, especially in bringing together public and private entities to help increase access to care for Medicaid recipients. The nursing facility sustainability program has proven successful for providers, beneficiaries, and the state, which is why this particular legislation would make the program permanent.

We are requesting two amendments to this measure. These amendments are critical to ensuring that we can maximize the federal Medicaid funds being drawn down by the state and used to support healthcare services and the MedQUEST division.

This language is included in the SD 1 version of the Senate companion bill, SB 314, in sections 2 and 3.

1. The first amendment would exempt this program from the central services fund and would read:

"(a) Except as provided in this section, and notwithstanding any other law to the contrary, from time to time, the director of finance, for the purpose of defraying the prorated estimate of central service expenses of government in relation to all special funds, except the:

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- (3) Special funds of the University of Hawaii;
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(32) After-school plus program revolving fund under section 302A-1149.5;

(33) Civil monetary penalty special fund under section 321-30.2; and

[+] (34) [+] Stadium development special fund under section 109-3.5,

shall deduct five per cent of all receipts of all other special funds, which deduction shall be transferred to the general fund of the State and become general realizations of the State. All officers of the State and other persons having power to allocate or disburse any special funds shall cooperate with the director in effecting these transfers. To determine the proper revenue base upon which the central service assessment is to be calculated, the director shall adopt rules pursuant to chapter 91 for the purpose of suspending or limiting the application of the central service assessment of any fund. No later than twenty days prior to the convening of each regular session of the legislature, the director shall report all central service assessments made during the preceding fiscal year."

2. The second amendment would exempt this program from the administrative expenses fund:

Section 36-30, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

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- (26) Hospital sustainability program special fund under section 346G-4;

(27) Civil monetary penalty special fund under section 321-30.2; and

[+] (28) [+] Stadium development special fund under section 109-3.5,

shall be responsible for its pro rata share of the administrative expenses incurred by the department responsible for the operations supported by the special fund concerned."

Thank you for the opportunity to provide supportive testimony .

for this critical program, which will help the state protect access to care for hundreds of thousands of Hawaii residents. We will continue our partnership with the MedQUEST office on this measure and appreciate your consideration of this important measure.

HB-1369-HD-1

Submitted on: 2/22/2023 1:36:37 PM

Testimony for FIN on 2/24/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Elena Cabatu	East Hawaii Region of Hawaii Health Systems Corporation	Support	Written Testimony Only

Comments:

The East Hawaii Region of Hawaii Health Systems Corporation, consisting of Hilo Medical Center's 42-bed Extended Care Facility, the 95-bed Yukio Okutsu State Veterans Home, the 66-bed Hale Ho`ola Hamakua long term bed facility, and the 19-bed Ka'u Hospital, supports HB1369 HD1 to make permanent the nursing facility sustainability program.



THE QUEEN'S HEALTH SYSTEM

To: The Honorable Kyle T. Yamashita, Chair
The Honorable Lisa Kitagawa, Vice Chair
Members, House Committee on Finance

From: Jace Mikulanec, Director, Government Relations, The Queen's Health System

Date: February 24, 2023

Re: Testimony in Support of HB1369 HD1: Relating to Nursing Facilities

The Queen's Health System (Queen's) is a nonprofit corporation that provides expanded health care capabilities to the people of Hawai'i and the Pacific Basin. Since the founding of the first Queen's hospital in 1859 by Queen Emma and King Kamehameha IV, it has been our mission to provide quality health care services in perpetuity for Native Hawaiians and all of the people of Hawai'i. Over the years, the organization has grown to four hospitals, and more than 10,000 affiliated physicians, caregivers, and dedicated medical staff statewide. As the preeminent health care system in Hawai'i, Queen's strives to provide superior patient care that is constantly advancing through education and research.

Queen's appreciates the opportunity to testify in **support** for HB1369 HD1, which makes the Nursing Facility Sustainability Program permanent and appropriates funds out of the Nursing Facility Sustainability Program Special Fund. The Nursing Facility Sustainability Program assists nursing facilities in Hawai'i by mitigating losses that are incurred when taking care of underserved populations. These facilities play a crucial role in the continuum of care for our community.

For hospitals like The Queen's Medical Center-Punchbowl (QMC-PB), which experiences a waitlist of over 30 patients a day waiting to be transferred to sub- or post-acute care settings, nursing facilities are integral to the continuing care of patients. Patients on our waitlists are no longer in need of acute care, but due to the limited community based resources and low Medicaid reimbursement, our hospitals are unable to place patients ready for discharge. Other patients needing an acute level of care may not be able to access a hospital bed if census is full and waitlisted patients occupy acute care beds. We ask for your support of this measure and the continuation of the Nursing Facility Sustainability Program.

Thank you for your time and attention to this important program.

The mission of The Queen's Health System is to fulfill the intent of Queen Emma and King Kamehameha IV to provide in perpetuity quality health care services to improve the well-being of Native Hawaiians and all of the people of Hawai'i.

Testimony of
Jonathan Ching
Government Relations Director

Before:
House Committee on Finance
The Honorable Kyle T. Yamashita, Chair
The Honorable Lisa Kitagawa, Vice Chair

February 24, 2023
11:30 a.m.
Conference Room 308 & Via Videoconference

Re: HB 1369, HD1, Relating to Nursing Facilities

Chair Yamashita, Vice Chair Kitagawa, and committee members, thank you for this opportunity to provide testimony on HB 1369, HD1, which makes permanent and amends the state's Nursing Facility Sustainability Program.

Kaiser Permanente Hawai'i STRONGLY SUPPORTS HB 1369, HD1.

Kaiser Permanente Hawai'i is one of the nation's largest not-for-profit health plans, serving 12.6 million members nationwide, and more than 269,000 members in Hawai'i. In Hawai'i, more than 4,200 dedicated employees and more than 650 Hawai'i Permanente Medical Group physicians and advance practice providers work in our integrated health system to provide our members coordinated care and coverage. Kaiser Permanente Hawai'i has more than 20+ medical facilities, including our award-winning Moanalua Medical Center. We continue to provide high-quality coordinated care for our members and deliver on our commitment to improve the health of our members and the 1.4 million people living in the communities we serve.

Expanding the state's Nursing Facility Sustainability Program in perpetuity will allow hospitals in the state to continue to provide critical health care services despite Medicaid uncompensated care losses.

The Nursing Sustainability Program and the Nursing Facility Sustainability Program Special Fund were established via Act 156, Session Laws of Hawaii 2012. The program created a fund to pool monies from participating nursing facilities through the assessment of a provider tax, which in turn was used as a basis to obtain federal Medicaid matching funds. The aggregate state and federal funds would then be distributed to the participate nursing facilities as supplemental payments to reduce any Medicaid uncompensated care losses. The program has proven successful for providers, beneficiaries, and the state, given that it uses no state general funds.

Nursing facilities are essential to acute care hospitals like Kaiser Permanente's Moanalua Medical Center as hospitals statewide often have waitlists of patients waiting to be transferred to post and sub-acute care settings. The Nursing Sustainability Program has been integral to help offset financial losses to the industry; losses which could lead to the erosion of a safety net for our growing kupuna population.

Kaiser Permanente Hawai'i supports HB 1369, HD1 because it will continue to assist providing access to health care for Medicaid recipients in Hawai'i.

Mahalo for the opportunity to testify on this important measure.



**Testimony to the House Committee on Finance
Friday, February 24, 2023; 11:30 a.m.
State Capitol, Conference Room 308
Via Videoconference**

RE: HOUSE BILL NO. 1369, HOUSE DRAFT 1, RELATING TO NURSING FACILITIES.

Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee:

The Hawaii Primary Care Association (HPCA) is a 501(c)(3) organization established to advocate for, expand access to, and sustain high quality care through the statewide network of Community Health Centers throughout the State of Hawaii. The HPCA **SUPPORTS** House Bill No. 1369, House Draft 1, RELATING TO NURSING FACILITIES.

By way of background, the HPCA represents Hawaii's Federally Qualified Health Centers (FQHCs). FQHCs provide desperately needed medical services at the frontlines to over 150,000 patients each year who live in rural and underserved communities. Long considered champions for creating a more sustainable, integrated, and wellness-oriented system of health, FQHCs provide a more efficient, more effective and more comprehensive system of healthcare.

This bill, as received by your Committee, would:

- (1) Appropriate an unspecified amount from the Nursing Facility Sustainability Fund (Fund), for fiscal year 2023-2024, and the same amount for fiscal year 2024-2025, to make supplemental payments and increase capitation rates to health plans for the benefit of State long-term care facilities;
- (2) Permanently exempt the Fund from the central service expenses assessment and the administrative expenses assessment;
- (3) Repeal the Nursing Facility Tax;
- (4) Clarify that the Department of Human Services (DHS) may modify, add to, or exclude facilities from the Nursing Facility Sustainability Fee Assessment if necessary for Centers for Medicaid and Medicare Services approval, and if the modification is otherwise consistent with the Nursing Facility Sustainability Program;

Testimony on House Bill No. 1369, House Draft 1
Friday, February 24, 2023; 11:30 a.m.
Page 2

- (5) Clarify that DHS may impose the Nursing Facility Sustainability Fee on a monthly basis and the timeframe in which the fee must be paid; and
- (6) Take effect on June 30, 3000.

Recognizing that Medicaid payments to nursing facilities were far below the actual costs of care, the Legislature enacted Act 156, SLH 2012, to establish the Program and increase Medicaid payments to nursing facilities. The Program achieves this by assessing a fee on nursing facilities, using the revenue to obtain matching federal Medicaid funds, and returning a majority of the combined amount directly to nursing facilities.

We urge your favorable consideration of this bill.

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact Public Affairs and Policy Director Erik K. Abe at 536-8442, or eabe@hawaiiipca.net.



February 24, 2023 at 11:30 am
Conference Room 308

House Committee on Finance

To: Chair Kyle T. Yamashita
Vice Chair Lisa Kitagawa

From: Paige Heckathorn Choy
Associate Vice President, Government Affairs
Healthcare Association of Hawaii

Re: **Strong Support**
HB 1369 HD 1, Relating to Nursing Facilities

The Healthcare Association of Hawaii (HAH), established in 1939, serves as the leading voice of healthcare on behalf of 170 member organizations who represent almost every aspect of the health care continuum in Hawaii. Members include acute care hospitals, skilled nursing facilities, home health agencies, hospices, assisted living facilities and durable medical equipment suppliers. In addition to providing access to appropriate, affordable, high-quality care to all of Hawaii's residents, our members contribute significantly to Hawaii's economy by employing over 20,000 people statewide.

Thank you for the opportunity to provide testimony in **strong support** of this bill. The nursing facility sustainability program is a key tool for the state to help ensure access to critical services for Medicaid enrollees. Most importantly, this **benefit is achieved without the use of any state general funds**. This is because the program levies a fee on participating providers. The funds generated through that fee are then used to draw down federal Medicaid dollars and are distributed back to the providers to help them cover the gap between what Medicaid reimburses and what Medicare reimburses. Although neither program covers the full cost of providing care, it is essential in helping to shore up the financial sustainability of the nursing facility system in the state.

The sustainability program was first established in 2012 when, recognizing that Medicaid payments were below the actual costs of care for nursing facilities, the legislature authorized this program. While the program was reauthorized annually for several years, the legislature passed a two-year authorization of the program in 2017. This was evidence of how successful the program has been, especially in bringing together public and private entities to help increase access to care for Medicaid recipients. The nursing facility sustainability program has proven successful for providers, beneficiaries, and the state, which is why this particular legislation would make the program permanent.

We are requesting two amendments to this measure. These amendments are critical to ensuring that we can maximize the federal Medicaid funds being drawn down by the state and used to support healthcare services and the MedQUEST division.

This language is included in the SD 1 version of the Senate companion bill, SB 314, in sections 2 and 3.

1. The first amendment would exempt this program from the central services fund and would read:

"(a) Except as provided in this section, and notwithstanding any other law to the contrary, from time to time, the director of finance, for the purpose of defraying the prorated estimate of central service expenses of government in relation to all special funds, except the:

- (1) Special out-of-school time instructional program fund under section 302A-1310;
- (2) School cafeteria special funds of the department of education;
- (3) Special funds of the University of Hawaii;
- (4) Convention center enterprise special fund under section 201B-8;
- (5) Special funds established by section 206E-6;
- (6) Aloha Tower fund created by section 206J-17;
- (7) Funds of the employees' retirement system created by section 88-109;
- (8) Hawaii hurricane relief fund established under chapter 431P;
- (9) Hawaii health systems corporation special funds and the subaccounts of its regional system boards;
- (10) Universal service fund established under section 269-42;
- (11) Emergency and budget reserve fund under section 328L-3;
- (12) Public schools special fees and charges fund under section 302A-1130;

- (13) Sport fish special fund under section 187A-9.5;
- (14) Neurotrauma special fund under section 321H-4;
- (15) Glass advance disposal fee established by section 342G-82;
- (16) Center for nursing special fund under section 304A-2163;
- (17) Passenger facility charge special fund established by section 261-5.5;
- (18) Solicitation of funds for charitable purposes special fund established by section 467B-15;
- (19) Land conservation fund established by section 173A-5;
- (20) Court interpreting services revolving fund under section 607-1.5;
- (21) Trauma system special fund under section 321-22.5;
- (22) Hawaii cancer research special fund;
- (23) Community health centers special fund;
- (24) Emergency medical services special fund;
- (25) Rental motor vehicle customer facility charge special fund established under section 261-5.6;
- (26) Shared services technology special fund under section 27-43;
- (27) Automated victim information and notification system special fund established under section 353-136;
- (28) Deposit beverage container deposit special fund under section 342G-104;
- (29) Hospital sustainability program special fund under section 346G-4;
- (30) Nursing facility sustainability program special fund established under section 346F-4;

(31) Hawaii 3R's school improvement fund under section 302A-1502.4;

(32) After-school plus program revolving fund under section 302A-1149.5;

(33) Civil monetary penalty special fund under section 321-30.2; and

[+] (34) [+] Stadium development special fund under section 109-3.5,

shall deduct five per cent of all receipts of all other special funds, which deduction shall be transferred to the general fund of the State and become general realizations of the State. All officers of the State and other persons having power to allocate or disburse any special funds shall cooperate with the director in effecting these transfers. To determine the proper revenue base upon which the central service assessment is to be calculated, the director shall adopt rules pursuant to chapter 91 for the purpose of suspending or limiting the application of the central service assessment of any fund. No later than twenty days prior to the convening of each regular session of the legislature, the director shall report all central service assessments made during the preceding fiscal year."

2. The second amendment would exempt this program from the administrative expenses fund:

Section 36-30, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Each special fund, except the:

(1) Special out-of-school time instructional program fund under section 302A-1310;

(2) School cafeteria special funds of the department of education;

(3) Special funds of the University of Hawaii;

(4) Special funds established by section 206E-6;

(5) Aloha Tower fund created by section 206J-17;

(6) Funds of the employees' retirement system created by section 88-109;

- (7) Hawaii hurricane relief fund established under chapter 431P;
- (8) Convention center enterprise special fund established under section 201B-8;
- (9) Hawaii health systems corporation special funds and the subaccounts of its regional system boards;
- (10) Universal service fund established under section 269-42;
- (11) Emergency and budget reserve fund under section 328L-3;
- (12) Public schools special fees and charges fund under section 302A-1130;
- (13) Sport fish special fund under section 187A-9.5;
- (14) Neurotrauma special fund under section 321H-4;
- (15) Center for nursing special fund under section 304A-2163;
- (16) Passenger facility charge special fund established by section 261-5.5;
- (17) Court interpreting services revolving fund under section 607-1.5;
- (18) Trauma system special fund under section 321-22.5;
- (19) Hawaii cancer research special fund;
- (20) Community health centers special fund;
- (21) Emergency medical services special fund;
- (22) Rental motor vehicle customer facility charge special fund established under section 261-5.6;
- (23) Shared services technology special fund under section 27-43;
- (24) Nursing facility sustainability program special fund established under ~~[pursuant to]~~ section 346F-4;
- (25) Automated victim information and notification system special fund established under section 353-136;
- (26) Hospital sustainability program special fund under section 346G-4;

(27) Civil monetary penalty special fund under section 321-30.2; and

[+] (28) [+] Stadium development special fund under section 109-3.5,

shall be responsible for its pro rata share of the administrative expenses incurred by the department responsible for the operations supported by the special fund concerned."

Thank you for the opportunity to provide supportive testimony for this critical program, which will help the state protect access to care for hundreds of thousands of Hawaii residents. We will continue our partnership with the MedQUEST office on this measure and appreciate your consideration of this important measure.

THE KŪPUNA CAUCUS



TODAY'S DATE February 23, 2023

To: The Honorable Rep Kyle Yamashita, Chair
The Honorable Rep Lisa Kitagawa Vice Chair, and Members of the
House Committee on Finance

Re: HB1369 – Relating to Nursing Facility Sustainability Program

Hearing: Friday February 24, 2023, 11:30am, Via Videoconference

Position: **Support**

Aloha, Chair Rep Kyle Yamashita Vice Chair Rep Lisa Kitagawa, and Committee Members:

Report Title: Nursing Facility Sustainability Program; Nursing Facility Sustainability Fee;
Special Fund; Nursing Facility Tax; Department of Human Services; Repeal; Appropriation

The Kūpuna Caucus of the Democratic Party of Hawai'i has more than 2,000 enrolled members who are politically active and greatly interested in all issues affecting seniors in the State of Hawai'i and nationally.

The Kūpuna Caucus **supports** HB 1369.

This bill would make the Nursing Facility Sustainability Program permanent and permanently exempt the program from the central service and administrative expenses assessments. This bill would also repeal the nursing facility tax and appropriate funds from the Nursing Facility Sustainability Program Special Fund.

The Nursing Facility Sustainability Program was established in 2012 to help offset the low Medicaid reimbursement for these facilities. This program has been very effective, and we would all benefit from making this a permanent program. This bill would benefit the underserved Medicaid population and ensure access for seniors. This bill would shorten the waitlist for patients being discharged from the hospital to be transferred to these facilities. This is an integral part of the continuum of care for our hospital patients. We would like your support of this bill.

Thank you very much for the opportunity to testify on this bill.

Barbara Penn

Kūpuna Caucus of the Democratic Party of Hawai'i

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