

The Twenty-Fifth Legislature  
Regular Session of 2009

THE SENATE

Committee on Health

Senator David Y. Ige, Chair

Senator Josh Green, M.D., Vice Chair

Committee on Commerce and Consumer Protection

Senator Rosalyn H. Baker, Chair

Senator David Y. Ige, Vice Chair

State Capitol, Conference Room 229

Thursday, March 19, 2009; 9:30 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON H.B. 704, HD1  
RELATING TO HOME CARE AGENCIES**

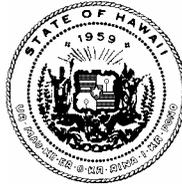
The ILWU Local 142 supports H.B. 704, HD1, which requires the Department of Health to license home care agencies. Sunsets 6/30/14.

As more elderly and disabled individuals desiring to stay in their own homes require home care provided by professionals and paraprofessionals, the home care industry is expanding and the need exists for monitoring of the agencies and individuals providing care to the elderly and disabled in their homes. Currently, many families using the services of home care agencies no doubt think that the industry is already regulated, but it is not. H.B. 704, HD1 provides for a temporary program to require the Department of Health to license home care agencies.

We believe such licensing and monitoring should be a permanent program, but we can understand current budgetary constraints. We also believe that any information about home care agencies, including reports on licensing and monitoring, should be prominently posted on a website and made available in written form to anyone inquiring about home care.

The ILWU urges passage of H.B. 704, HD1. Thank you for the opportunity to testify on this matter.

LINDA LINGLE  
GOVERNOR



LILLIAN B. KOLLER, ESQ.  
DIRECTOR

HENRY OLIVA  
DEPUTY DIRECTOR

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

March 19, 2009

MEMORANDUM

TO: Honorable David Y. Ige, Chair  
Senate Committee on Health

Honorable Rosalyn H. Baker, Chair  
Senate Committee on Commerce and Consumer Protection

FROM: Lillian B. Koller, Director

SUBJECT: H.B. 704, H.D. 1 - RELATING TO HOME CARE AGENCIES  
Hearing: Thursday, March 19, 2009, 9:30 a.m.  
Conference Room 229, State Capitol

**PURPOSE:** The purpose of H.B. 704, H.D. 1 is to protect consumers of home care services by requiring the licensure of home care agencies by the Department of Health.

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) respectfully opposes this bill as written. However, we can support this bill with the addition of several amendments discussed below.

First, we respectfully recommend that the authority to certify these agencies be placed with the Department of Human Services, Adult and Community Care Services Branch, or its designee. The Department has considerable expertise in monitoring these types of services through its history with the certification of Community Care Foster Family Homes (CCHFHs), as well as the administration

and monitoring of the 1915(c) Medicaid Waiver and Chore Service programs. We are pleased to report that the Department of Health (DOH) defers to our request to have the certification of home care agencies placed with DHS rather than with DOH.

DHS sees the certification of home care agencies through its Social Services Division, Adult and Community Care Services Branch, as an important regulatory and support function for its Med-QUEST Division, which provides Home and Community-Based non-medical personal care to Medicaid clients. The Med-QUEST Division is not in a position to both provide and regulate its own programs; therefore, we see the role of certification and oversight as belonging most appropriately with the Social Services Division, Adult and Community Care Services Branch, which serves many of the same clients through its other adult programs. Med-QUEST Division clients are significant consumers of home care services, causing DHS to hold a compelling interest in providing the standards and regulation needed to keep this resource safe and plentiful.

Second, we would recommend that home care agencies be certified instead of licensed to be consistent with the requirements already in place for providers such as community care foster family homes.

Third, the Department strongly recommends that the language in this bill defining "home care agency" be replaced with the following language:

"Home care agency" means a public or proprietary agency, a private, non-profit organization, or a subdivision of such agency or organization, engaged in providing home care

services to clients in the client's residence. The term "home care agency" does not apply to an individual, including an individual who is incorporated as a business, or is an unpaid or stipended volunteer, nor to any home and community- based service under the jurisdiction of the department of human services."

This language is important for the fact that it will exempt certification requirements for senior service programs administered by DHS, with respect to family members, neighbors and friends who provide chore, personal care, and respite services for their loved ones, including those individuals participating in the State Medicaid Home and Community-Based and the Chore Service programs.

There is a strong likelihood that individuals who provide these services might be deterred from pursuing certification requirements, since their interest in providing care is motivated out of their relationship with the client and not the pursuit of a professional career. Inevitably, this gap in care service would be extremely detrimental to the State.

This amendment is also important to avoid unnecessary expenditures for agencies that are providing personal assistance through the Department of Human Services. These providers are already monitored and regulated by State agencies for quality, and through criminal and protective service background checks.

Thank you for this opportunity to testify.