

HCR 35

**Measure
Title:** **REQUESTING THE AUDITOR TO ANALYZE
A PROPOSED MEASURE TO REGULATE
HOME CARE AGENCIES BY THE
DEPARTMENT OF HEALTH.**

**Report
Title:** **Home Care Agencies; Sunrise Review by
Auditor**



SENATE COMMITTEE ON HEALTH
Senator David Ige, Chair

Public Hearing
April 23, 2009 at 9:30 a.m.

Testimony in support of HCR 35 with amendments.

The Healthcare Association of Hawaii advocates for its member organizations that span the entire spectrum of health care, including acute care hospitals, two-thirds of the long term care beds in Hawaii, as well as home care and hospice providers. Thank you for this opportunity to submit testimony in support of HCR 35, which requests the Auditor to analyze a bill that would regulate home care agencies.

HB 704 and SB 415 are companion bills that were introduced this session to require home care agencies to be licensed. The mandatory licensure of home care agencies is designed to assure the public that the services provided by such agencies comply with appropriate standards. Without licensure, the safety of those who receive home care is at risk, especially since home care is in many cases provided to frail and elderly consumers. Unlike in an institutional setting, the home care worker is often alone with the consumer of services, so there is much more potential for abuse.

Home care should not be confused with home health agencies and care homes, both of which are currently licensed.

The Healthcare Association proposes a technical amendment to HCR 35. We believe that it incorrectly interprets Section 26H-6, HRS, to mean that an Auditor's analysis is needed before passing legislation to license home care agencies. However, this law applies only to professions and vocations, and not to agencies, and HCR 35 should be amended to correct this error.

Still, the Healthcare Association supports an Auditor's analysis because of the difficulties currently facing SB 415, the home care licensing bill that is in conference. Unfortunately, the differences that interested parties have are unlikely to be resolved before the close of the legislative session. It is hoped that the Auditor's analysis requested in HCR 35 will resolve those differences during the interim, paving the way for another home care licensing bill to be considered in the 2010 session.

The blank House Bill contained on page 2, line 31 of HCR 35 may be filled in with HB 704.

With the proposed amendments, the Healthcare Association supports HCR 35.