

STAND. COM. REP. NO.

289

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 1178
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 1178
entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to ensure the safety of
dialysis patients in an emergency situation by requiring all
dialysis centers in Hawaii to have backup emergency generators
with the capacity to sustain dialysis treatments and the center's
water treatment system.

Your Committee received testimony in support of this measure
from two individuals. Your Committee received testimony in
support of intent of this measure with comments from the National
Kidney Foundation, Liberty Dialysis, and the Policy Advisory Board
for Elder Affairs. Your Committee received testimony in
opposition to this measure from the Department of Health.

Copies of written testimony are available for review on the
Legislature's website.

Your Committee finds that a more comprehensive approach is
necessary to ensure the safety of dialysis patients in the event
of an emergency. Federal regulations require every dialysis
clinic to have an emergency plan and are required to conduct
periodic drills. In the event of an area wide major emergency,
all medical care institutions may be damaged. Currently, the
Centers for Medicaid and Medicare Services are in the process of



determining whether life safety measures should require backup generators in all dialysis facilities.

Your Committee further finds that the Department of Health is the appropriate agency to ensure that emergency plans are properly in place and implemented to ensure the safety of all dialysis patients.

Accordingly, your Committee has amended this measure by:

- (1) Removing the requirement that all dialysis centers in Hawaii have backup emergency generators;
- (2) Requiring the Department of Health to review emergency plans and develop guidelines of all dialysis centers in the State to ensure the safety of dialysis patients in the event of a public emergency; and
- (3) Requiring the Department to post on its website a list of all dialysis centers in Hawaii that have backup emergency generators with the capacity to sustain dialysis treatments and maintain their water treatment system.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1178, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1178, S.D. 1, and be referred to the Committee on Commerce and Consumer Protection.

Respectfully submitted on
behalf of the members of the
Committee on Health,



DAVID Y. IGE, Chair



Report Title:

Dialysis Centers; Backup Generators

Description:

Requires the department of health to review emergency plans and develop guidelines of all dialysis centers in the State to ensure the safety of dialysis patients in the event of a public emergency; requires the department to post on its website a list of all dialysis centers in Hawaii that have backup emergency generators with the capacity to sustain dialysis treatments and maintain their water treatment system. (SD1)

A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii has a forty
2 per cent higher prevalence rate of patients diagnosed with
3 end-stage renal disease than the rest of the nation. The
4 National Kidney Foundation of Hawaii estimates that six hundred
5 twenty patients are newly diagnosed with end-stage renal disease
6 every year in Hawaii. Patients suffering from end-stage renal
7 disease are most often put on dialysis treatment, a medical
8 treatment that filters waste from the patients' blood when the
9 kidneys are no longer able to do so. The treatment takes hours
10 and usually requires three treatments a week.

11 As of December 2008, the State has twenty-two federally
12 certified dialysis centers, not including those within
13 hospitals, and many are operating at close to full capacity.
14 Only one of the off-hospital dialysis centers has a backup
15 emergency generator, and yet, even that system was not prepared
16 to run its water treatment system with low water pressure. The

1 two requirements that are crucial to the operations of dialysis
2 treatment are electricity and water.

3 As a result of the recent power outages in the State, many
4 dialysis patients were forced to miss their regular treatment
5 appointments, which put them at serious risk for blood
6 poisoning.

7 The purpose of this Act is to require the department of
8 health to review the emergency plans of all dialysis centers in
9 the State and to post on the department's website a list of all
10 dialysis centers in Hawaii that have backup emergency generators
11 with the capacity to sustain dialysis treatments and maintain
12 their water treatment system.

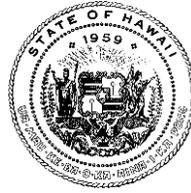
13 SECTION 2. The department of health shall review emergency
14 plans and develop guidelines of all dialysis centers in the
15 State to ensure the safety of dialysis patients in the event of
16 a public emergency. The department shall post on its website a
17 list of all dialysis centers in Hawaii that have backup
18 emergency generators with the capacity to sustain dialysis
19 treatments and maintain their water treatment system.

20 SECTION 3. The department of health shall submit a report
21 to the legislature no later than twenty days prior to the

1 convening of the regular session of 2010, identifying each
2 dialysis center and its emergency plan operating in the State.

3 SECTION 4. This Act shall take effect upon its approval.

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

SB1178, SD1, RELATING TO HEALTH

Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health

March 3, 2009
9:30 a.m.

1 **Department's Position:** The department appreciates the intent of this bill, but we believe it is
2 unnecessary as the Department of Health already conducts these reviews according to federal guidelines.

3 **Fiscal Implications:** None

4 **Purpose and Justification:** SB1178, SD 1 requires the Department of Health to “review emergency
5 plans and develop guidelines of all dialysis centers in the State to ensure the safety of dialysis patients in
6 the event of a public emergency.” Secondly, the bill will require the department to “post on its website a
7 list of all dialysis centers in Hawaii that have backup emergency generators” perhaps as a way for
8 dialysis patients to know where to go for services in the event of a power outage.

9 The Department of Health currently conducts Medicare certification surveys on all dialysis
10 providers in the state based on federal requirements of Medicare certified facilities. These requirements
11 may be found in 42 CFR Section 405.2100 through 2184. These requirements include emergency
12 preparedness and affiliation arrangements. Specifically, emergency preparedness requirements include
13 having written policies and procedures, that they be reviewed and tested at least annually, that all
14 personnel are trained and knowledgeable in their respective roles during an emergency, and that

1 “patients are trained to handle medical and nonmedical emergencies (and) must be fully informed
2 regarding what to do, where to go, and whom to contact if a medical or nonmedical emergency occurs.”
3 (42 CFR Sec 405.2140(d)(5))

4 As a result, the bill currently being considered appears to be unnecessary since emergency plans
5 and guidelines and patient training and instruction are already required by the federal government and
6 compliance with these requirements are determined by the department as part of its routine Medicare
7 certification surveys. Nevertheless, the department will be happy to post on its website a list of the
8 facilities with emergency backup power without the legislation to require it.

9 Thank you for the opportunity to testify.

Eric Arquero

From: James Medeiros [jimbomedeiros@hotmail.com]
Sent: Monday, March 02, 2009 3:30 PM
To: CPN Testimony
Subject: FW: BILL #SB1178

From: jimbomedeiros@hotmail.com
To: htthtestimony@capitol.hawaii.gov
Subject: FW: BILL #SB1178
Date: Tue, 10 Feb 2009 15:40:02 -1000

From: jimbomedeiros@hotmail.com
To: d.tsukazaki@capitol.hawaii.gov; htthtestimony@capitol.hawaii.gov
Subject: BILL #SB1178
Date: Tue, 10 Feb 2009 14:52:46 -1000

To Whom It May Concern,

My name is James Anthony Medeiros and I have been a dialysis patient for the last six years. I am writing in regards to SB1178. As a dialysis patient I would like to stress to you a few reasons why this senate bill requiring dialysis facilities to have back up generators and water is important, not just important to dialysis patience but its important to the rest of the public.

Hundreds of people with kidney failure daily require dialysis treatment. There are nearly seventy-five to a hundred patience a day that recieve treatment at the dialysis clinic where I get treated and with nearly two dozen facilities and possibly soon to be more, thats a lot of dialysis patience.

The first important reason for dialysis is to remove extra fluid from a patience body. Because of the lack of kidney function a dialysis patient is unable to produce urine and eliminate any excess fluid from the body. Without dialysis the patient experiences "fluid overload". This fluid build up begins to flood the lungs and build up around the heart. As a result the patient begins experiencing shortness of breath, high blood pressure and congestive heart failure. Just missing one dialysis treatment can cause a patient to become symptamatic and seek emergency attention.

Second, the other important reason for a patient to get dialysis is to clean the blood. Without dialysis there is a great risk for blood poisoning. Another main function of the kidneys is to clean the blood of any excess toxins. Without proper dialysis a patients blood becomes full of these toxins that could possibly kill them. For example dialysis helps to control the potassium levels in a patient. Missing a dialysis treatment can cause a patients potassium levels to get high, eventually stopping their heart.

Third, we have to look at the big picture. Lets say the next power outage on the island is a long lasting one, simply due to a lightning strike or some natural disaster. Are our hospitals prepared for hundreds of dialysis patience flooding emergency rooms because of uncontrollable blood pressure, shortness of breathe or worse congestive heart failure. Hundreds of patience in emergency rooms when all they would need is a couple of hours at their dialysis clinic.

It would seem to me that requiring dialysis centers to provide back up power so that they can treat their patience in time of an emergeny makes sense. I urge you to pass SB1178 so that dialysis patience can be assured that they can continue to recieve a dialysis treatment in time of power outage and free up our

emergency rooms.

Sincerely,
James A. Medeiros
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Kaneohe HI 96744
Phone: 450-0496

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