

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

April 3, 2009

MEMORANDUM

TO: Honorable Marcus R. Oshiro, Chair
House Committee on Finance

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 190, S.D.1, H.D. 1 - RELATING TO COMMUNITY CARE
FOSTER FAMILY HOMES

Hearing: Friday, April 3, 2009, 2:00 p.m.
Conference Room 308, State Capitol

PURPOSE: The purpose of S.B. 190, S.D.1, H.D. 1, is to allow the Department of Human Services to oversee a two-year demonstration project permitting two private-pay individuals to live in the same community care foster family home under specified conditions.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) is pleased to support this bill with recommended amendments. We thank the House Committee on Human Services for incorporating our recommendations into this bill, and we feel that the bill represents a positive compromise for all stakeholders.

The Department would recommend the following amendments to further refine the qualifying language in Section 2 of this bill:

"SECTION 2. Notwithstanding the definition of "community care foster family home" under section 346-331, Hawaii Revised Statutes, the department of human services may establish and implement a two-year demonstration project to allow two private-pay individuals to be cared for in the same community care foster family home; provided that:

- (1) The community care foster family home is certified for three beds; and
- (2) Operators of three-bed community care foster family homes immediately notify the department of human services or its designee of any vacancy in writing; and
- (3) The community care foster family home has had a vacancy in the third bed for at least six consecutive months; provided further that the department of human services may waive this requirement if, during the six preceding months, there has been a minimum of three vacant beds [~~intended~~] available for medicaid clients at other community care foster family homes within a thirty-minute drive on the island of Oahu or a sixty-minute drive on the neighbor islands; and
- (4) The two, private-pay clients are in a relationship with each other as:
 - (A) A married couple;
 - (B) Recipr[±]ocal beneficiaries;
 - (C) Siblings;
 - (D) A parent and a child; or

- (E) Best friends; and
- (5) One member of the private-pay couple has been in residence at the community care foster family home for at least the five preceding consecutive years; and
- (6) There is certified medical documentation of medical necessity that [~~one~~] the member of the private-pay couple who has been residing in the community care foster family home has a medical condition that prevents the individual from being moved from the community care foster family home."

These recommended amendments will further define the qualifying conditions for allowing a private-pay couple to be cared for in the same community care foster family home.

Thank you for the opportunity to testify and your favorable consideration of our recommendations.

April 1, 2009

Finance Chair Marcus Oshiro
Vice Chair Marilyn Lee
Committee Members

RE: Support for SB 190 SD1 HB1 Relating to Community Care Foster Family Home

Dear Chair Marcus Oshiro, Vice Chair Marilyn Lee and Committee Members,

I am writing in support of SB190 SD1 HB1 because I am caught in a horrible situation that does not allow me to live with my husband in his foster family home in Hilo. My name is Terry Kalde, I am 86 years old retired from the Third Circuit Court as Chief Clerk with 30 years of service. My husband Sidney is 88 years old and a retired general contractor. We have been married for 63 years.

My husband has been confined to Helen Sapla's care home since 2003 bedridden and diagnosed with bladder cancer. He is unable to talk, tube fed but he can see me, hear me and feel my touch. When he hears or sees people that are familiar to him, he is still overcome with emotions.

In December 2006, I had back surgery with complications that left me dependent on a walker and in need of skilled level care. Although the program that my husband is in allows for 1 private pay and 2 Medicaid patients, my daughters asked DHS for an exception to allow me to live with my husband as a private pay patient as well. We were denied because they said the law only allows 1 private patient.

I started at Helen's home as a renter but because my long term care would not recognize my "renter" status to qualify for my benefits, 5 months later I moved out to another care home as a patient but still living apart from my husband. 9 months later, I had to move again to a 3rd foster home, still living apart from my husband.

I've lived these last 2 years in sadness and in depression as the only joy I have is spending my time with my husband. I pay an extra \$500.00 a month for the privilege of being driven to see my husband and sometimes my visits are as short as an hour or two. His only company is when I come to visit him and it deeply saddens me that the rest of his time is spent alone. I see my husband's health deteriorating and each day could be his last day. Why can't the law recognize and honor our marriage as husband and wife?

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I want to live with my husband before the Lord takes us home. We don't have too much time left. I want to be able to wake up and see his face every morning, hold his hand and sing his favorite songs. I miss him all the time and I just want to be at his side. I want to hold his hand for more than an hour or two each day. In my silence, I'm suffering from hurt, guilt, confusion, and the injustice to my marriage.

The constant stress of living under these conditions has worn me out both emotionally and physically and I don't know how much more I can endure. I simply can't wait much longer; it's going on 2 years now.

Please don't rob me of the one joy in my life. Our lives are short and I pray you will pass this bill as soon as possible.

Sincerely,



Terry Kaide
Papaikou, Hawaii

(808)987-5803

April 3, 2009

Finance Chair Marcus Oshiro
Vice Chair Marilyn Lee
Committee Members

RE: SUPPORT SB 190 - SD 1 HB1

SUBJECT: COMMUNITY CARE FOSTER FAMILY HOMES

Dear Chair Marcus Oshiro, Vice Chair Marilyn Lee and Committee Members,

I fully support **SB 190 - SD1 HB1** to allow married couples, consisting of two private pay clients who meet certain conditions to live together in Community Care Foster Family Homes.

My name is Charlotte Miyoko Kaide, daughter of Sidney and Terry Kaide. Both my parents are presently living in two separate care homes. Dad was an honest hard working man who was a contractor and real estate developer with his own business for over 40 years on the Big Island. Mom worked for the Third Circuit Court for 30 years beginning her legal secretarial career as stenographer to the chief clerk and retired as the chief clerk of the Third Circuit Court in 1977.

Dad and Mom have been unjustly forced to live in two separate Community Care Foster Family Homes for the last two years due to the state law. This has affected my parents mental, physical and emotional well being after having been married for the past 63 years living together and now have suffered deep emotional wounds having to live separately when they most need each other.

Dad is 89 years old and Mom will be 87 years old on April 21st. It has been very painful for both of them to be separated; you could call this "a forced divorce" in order to obey the law. This law is inhumane and something needs to be done **immediately!**

Dad and Mom are crying out for mercy and justice in these last days of their lives. Dad needs to hear Mom's voice and know that she is near to him at his side. They have been deprived of the most important aspect in their lives of being there for one another and encouraging one another. A smile from Mom to Dad is priceless and the soothing and healing effect it has on Dad cannot be measured. Would someone put themselves in my parents shoes for a moment and ponder?

Dad is totally bedridden and is unable to walk and talk. Dad is fed through a G-Tube and his only pleasure in life is Mom's presence and being able to hear his wife's voice, feel her touch and see her face. When Mom visits Dad he expresses to her by smiling, winking, squeezing Mom's hand and Mom would tell Dad, "I LOVE YOU" and Dad would nod his head acknowledging her words of love and even reciprocate through his facial expression of gratitude and love to his faithful wife. Being apart for two years has definitely affected them and they are depressed, lonesome for one another and the grieving is much too great to comprehend. This separation has taken a toll on their well-being and especially we have noticed a tremendous decline in their health.



Marriage is a sacred union that honors husband and wife. When my parents were married, they made wedding vows before God that they would be together, "UNTIL DEATH DO US PART" which has not been taken into consideration at all when we requested for an exception or waiver be granted to my parents so they could live together. They have been forced to "DIVORCE" themselves by living apart at this crucial moment of their lives in their twilight years before parting from this earth. This is totally inhumane and has been devastating to both our parents.

Two years ago Dad used to talk and be able to say to Mom, "I LOVE YOU", Dad would sing to Mom a Japanese love song, "KOKO NI SACHI ARI" (Here Is Happiness). He would sing to her, "I live because of you only, I live because we have LOVE, Oh darling, here lies happiness as far as the blue, blue sky" and he would get very emotional every time he sang this Japanese love song to Mom. My parents days are numbered and soon they will go home to be with the Lord.

Being separated from his beloved wife and life long companion has utterly crushed Dad's spirit and today he no longer can sing to Mom. Two years ago Dad used to be able to hold Mom's hands as she visited him however today his hands are limp and without life. Dad's days are numbered and as we see his health declining and coming to an end, we ask you, what would you want for your parents if they were in this same dilemma?

My parents worked hard all their lives and were diligent taxpayers. So why is it that now that they are in their last stage in life that they should be penalized for having worked arduously to take care of their convalescent needs and not be able to spend their last days together? Is it fair that those on welfare have preference than those who with their blood, sweat and tears worked hard to have the means to care for themselves in their golden years?

I totally support this bill because all couples private or Medicaid who are eligible for the same foster family home should not have to ask for permission to live with their spouses, it should be understood that it is ludicrous and anti-constitutional to separate a husband and wife.

May this bill be passed so justice may be made to my father and mother and the other Sidney and Terry Kaide's out there that have been forced to live in separate Community Care Foster Family Homes and are suffering the consequences and to the future married couples that may find themselves in a similar situation in the years to come.

On behalf of the Kaide O'hana we thank you for helping to pass this urgent bill. We commend you for your sincere compassion and desire to kokua in conserving the unity of our O'hana in Hawai'i. We must protect our O'hana and Kupuna and your intervention is well appreciated.

Me Ke Aloha Pumehana,

Charlotte Miyoko Kaide
Daughter of Sidney and Terry Kaide
(808) 557-1141
charlottemiyoko@yahoo.com

Conrad Hokama
1992 Waianuenue Avenue
Hilo, Hawaii 96720
PH: 808-935-4085

April 1, 2009

Hawaii State House of Representatives

Representative Marcus Oshiro, Chairperson
House Finance Committee

Re: SB 190, SD 1 HD 1 Relating to Community Care Foster Family Homes

Dear Representative ~~Oshiro~~,
Marcus

I am writing a personal appeal in support of Senate Bill 190, SD 1, HD 1 that would allow a private paying married couple to stay in the same adult foster care home.

Sidney and Terry Kaide of Hilo have been living in separate private adult foster care homes over the last few years because the current laws do not allow them to live together as a married couple. It would seem ironic that here in Hawaii where we stress family values and embrace the Ohana spirit that the current laws are actually keeping this couple apart.

The family unit has always been the foundation for providing the emotional and spiritual support in order to enhance the quality of life for those who have been fortunate to live a long life but just happen to need assistance to get by in their daily activities.

In this day and age with the emphasis being put on health and wellness in our State of Hawaii, we have a situation that is actually doing just the opposite by keeping a husband and wife apart. Something is wrong with this picture!

You have an opportunity to amend the laws in order to support keeping the family unit together. May you have compassion and understanding while guiding this bill through your committee. May the Ohana spirit as well as the Uchinanchu spirit continue to live on for all of our citizens. I humbly ask for your favorable consideration of this bill.

My Warmest Aloha,



Conrad Hokama
Hilo, Hawaii



April 2, 2009

Finance Chair Marcus Oshiro
Vice Chair Marilyn Lee
and Committee Members

Re: Support for SB190 SD1 HB1

Dear Chair Oshiro, Vice Chair Lee & Committee Members,

I am writing to you to let you know that I support SB190 SD1 HB1 and I humbly ask for your support as well.

This bill is of special interest to me because I have a brother and sister-in-law who are both living in separate care homes as private pay clients. Their separation isn't by choice but because of the regulations of the care program that governs my brothers care. It restricts the care home to one private pay client and to two Medicare clients.

Both my brother and sister-in-law are both over 80 years of age and they have been married for 63 years. My brother has been in a care home for many years now and has grown very comfortable with his caregiver Helen and her family. Over the years, his health has deteriorated and he is now bed ridden. He is totally dependent upon Helen's care and we are very fortunate that she has and continues to provide excellent care for my brother.

My sister-in-law is also in a private care home but is still able to walk with the aid of a walker. She pays her caregiver an additional \$500.00 a month so she can be taken to visit my brother everyday. This is the only way that she can be with him each day and although my brother is unable to speak, he looks forward to seeing her and hearing her voice. It's a shame that after 63 years of marriage, they cannot live together as husband and wife because of their medical paying status.

I urge you to support SB190 SD1 HB1 which would allow my brother and sister-in-law to be able to spend their remaining years together. Please help them and support SB190 SD1 HB1.

Respectfully submitted,



Tsuyako Hokama
2082E Waianuenu Avenue
Hilo, HI 96720

April 2, 2009

Finance Chair Marcus Oshiro
Vice Chair Marilyn Lee
and Committee Members

Re: Support for SB190 SD1 HB1

Dear Chair Oshiro, Vice Chair Lee & Committee Members,

I am writing to you to let you know that I wholeheartedly support SB190 SD1 HB1 which will allow two private pay clients to live together in the same Community Care Foster Family home when the two private pay clients share a relationship as defined by the department.

Being a lifelong resident of Hawaii, I understand firsthand the meaning of "ohana" and can relate to its relevance to our local community here in Hawaii. The essence of the family unit is a very important value that has been learned and taught from generation to generation. A family unit not only provides love, care and support for each other but it also reinforces the meaning of honor for the family.

SB190 SD1 HB1 is especially important to me because its outcome will have a significant impact on my uncle and aunty, Sidney and Terry Kaide, of Hilo, Hawaii. Both Uncle Sidney and Aunty Terry currently reside in *separate* private pay care homes. They have been married for 62 years, are both over 80 years of age, but have been living apart from each other for the past two years. This is because the current program does not recognize their relationship as husband and wife but rather by their medical paying status. How absurd can this be when we prevent a husband and wife from living together and spending their remaining years under the same roof because of paying status!

I humbly ask that you support SB190 SD1 HB1 so that my uncle and aunty and other established family relationships such as parent and child or between siblings can stay together as a family.

Sincerely,



Marsha Lee Hokama
60 Kaunaloa Street
Hilo, HI 96720



April 2, 2009

RE: Support for SB190 SD1 HD1

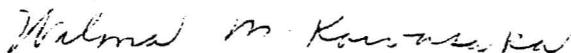
Dear Finance Chair Marcus Oshiro, Vice Chair Marilyn Lee and Committee Members,

I am writing to you in behalf of Sidney and Terry Kaide in their request to be able to reside at the same care home facility. They presently reside at separate facilities because they are both private pay clients.

Uncle Sidney and Aunty Terry have been married for 63 years. I feel they should live together. They should not live separately since Uncle Sidney's health is deteriorating. Before I left for Bothell, Washington for two weeks, I went to see Uncle and just by luck Aunty was there visiting Uncle. I just got back so I'm going to see him today. I hope Aunty Terry will be there when I visit Uncle. If not, I will have to drive all the way to Papaikou to see her. If they lived together, I would see both Aunty and Uncle the same day and at the same time.

I fully support SB190 SD1 HD1 and humbly ask that this bill be pushed through so that Uncle Sidney and Aunty Terry will be able to live together in the same care home facility.

Sincerely,



Wilma M. Kawasaka
Niece of Sidney and Terry Kaide

April 2, 2009

Finance Chair, Mr. Marcus Oshiro
Vice Chair Ms. Marilyn Lee
Committee Members

Re: Support for SB 190 SD1 HB1: Relating to Community Care Foster Family Home: Private Pay

Dear Finance Chair Marcus Oshiro, Vice Chair Marilyn Lee and Committee Members,

Passion: n. powerful feeling, great enthusiasm.

It is with great "passion" that I support this proposed bill. Here is our story.

My mom, Terry Kaide is 86 years old and resides in Hilo. On December 5, 2006 a lower lumbar surgery at Queen's Hospital ended up with complications requiring her 2 more surgeries where we almost lost her twice. She was at Queen's for 5 weeks and then transferred to the Rehab of the Pacific for another 4 weeks. Her rehab was slow so she stayed in Oahu where she and my sister lived with us for another 4 months so that there were more of us to help her in her recovery. When she was ready to return to Hilo, as much as she wanted to live in her own home, she still required skilled nursing care.

My dad, Sidney Kaide is 88 years old and resides in Hilo, married for 65 years. 5 years ago he took a fall and was diagnosed with bladder cancer. Unable to care for him at that time, my mom found an adult foster home with a wonderful caregiver. There was also a welfare patient in this home. In 2007, with my mom in need of skilled nursing care, it seemed only natural that she should live in the same adult foster home as my dad. Although this program only allowed 1 private patient and 1 welfare patient, we were thrilled to hear that a law had passed that these homes could now add 1 more patient, for a total of 3, however a welfare patient.

We requested Ms. Sandra Eastlack, program director of DHS, for an exception to allow my mom as the 3rd person but as a private patient. She was granted a temporary "renter" status which allowed her a place in the home however her long term care benefits were denied because of her "renter" status. We again asked Ms. Eastlack to please allow this exception for my mom to be that 3rd person, as a private patient so that mom could use her long term care benefits and be with her husband. However because the law restricted the number of private pay to Medicaid patients, no exception could be granted.

Although Ms. Eastlack offered us a list of Expanded Care programs as an alternative allowing 2 private pay patients, given my dad's fragile bedridden condition, his inability to talk and the trusting relationship already established with his care giver, his doctors, caregiver, and our family clearly felt moving him would be too risky.

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My mom has since then, moved 2 more times and is driven everyday to see my dad sometimes visiting him for only an hour or two. My dad and mom do not have long to live. I see the sadness in her eyes and in her voice. What would bring her the greatest joy would be living with my dad which is her right in a marriage. As her child, I feel extremely helpless, emotionally broken and drained as we have come to so many dead ends within these 2 years.

I applaud our government for taking care of the needy and disadvantaged for it is the right thing to do. Yet I also challenge our lawmakers and ask them just what are we doing for the middle class aging citizens who have worked hard all their lives, paid their taxes and helped this State to flourish? Nursing homes are often impersonal, institutional and expensive. Foster Family homes provide private patients for the same reason these were established for Medicaid patients; they provide a comfortable home setting, where the care is more personal and affordable. Private pay patient needs are no different from Medicaid patients.

In circumstances where immediate family members are in need of the same type of care, whether between husband and wife, parent and child, or as siblings, keeping the family unit together based on these relationships should be given fair consideration. These programs must come from the same compassion given to Medicaid patients as with private pay patients thereby allowing them to keep their ohana together. It is the right thing to do. There will be exceptions like these as our aging community continues to grow in numbers.

We have been to hearings in the Senate as well as in the House and we are grateful that our Legislators understand mom's needs and the sense of urgency to our request. I support this bill with great passion as it is mom's mission to help improve the quality of life for others like herself and my dad who may find themselves in need of foster care at the same time and choose to live together. My suggestion to SB190 SD1 HB1 is to remove the requirement in **Section 2 (E) best friends** and **2 (5) requiring 1 member be in a foster home for at least 5 years.** This section 2(5) 5 year requirement will not provide a fair and accurate assessment of the program. It is unreasonable given the length of this 2 year demonstration project. I humbly ask for passage of this bill considering these changes and allow this bill to truly serve the public as it is intended during this 2 year demonstration project. And finally, my mom and dad will be reunited, living out the last twilight years of their lives together with peace in their hearts.

In faith,



Gale Kaide Sakaguchi
Daughter of Sidney and Terry Kaide
Kailua, Hawaii 96734
(808)479-4382

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 02, 2009 5:23 PM
To: FINTestimony
Cc: gskarvas@mac.com
Subject: Testimony for SB190 on 4/3/2009 2:00:00 PM

Testimony for FIN 4/3/2009 2:00:00 PM SB190

Conference room: 308
Testifier position: support
Testifier will be present: No
Submitted by: George Karvas
Organization: Individual
Address: 12 Akahai Place HI
Phone: 938-7713
E-mail: gskarvas@mac.com
Submitted on: 4/2/2009

Comments:

Dear Chair Marcus Oshiro and House Finance Committee Members,

I'm writing in support of SB190 for my dear friend Terry Kaide. Terry has been in regular attendance at our church services. She has taught me what 'love' really looks like and I've grown to value her as a true friend.

Our church members are in support and we have been praying for Terry and her husband Sydney to spend their remaining time together as husband and wife.

I truly value my own marriage of 17 years to my beautiful wife Shelley as I've come to understand and value this sacred relationship in my own life. It would simply be wrong for this couple to be kept apart due to the current law. I thought about my final years and the one person I would want next to me would be my spouse.

Please help Terry and Sydney to make this a reality. I know there will be countless other couples who would benefit as well.

With sincerest Aloha,

George H. Karvas
Pastor New Hope Hamakua