



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

In reply, please refer to:
File:

HOUSE COMMITTEES ON HEALTH AND HUMAN SERVICES

SB0818, SD2, RELATING TO HEALTH

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

March 20, 2009

10:00 a.m.

1 **Department's Position:** The department appreciates the intent of this bill, but must respectfully oppose
2 it as currently written.

3 **Fiscal Implications:** Significant additional work hours and expenses will be required which cannot be
4 absorbed at the current staffing levels. These expenses are estimated at \$46,000 for year 1 and
5 additional annual operating expenses of \$34,000.

6 **Purpose and Justification:** The Department of Health has been in discussions with key state officials
7 on how to meet the intent of this bill without the added expense, staff time, and potential confusion that
8 the public will likely encounter when they access the raw information in its current form. We would
9 like to continue these discussions. Meanwhile, as currently drafted, the bill will require the Department
10 of Health (DOH) and the Department of Human Services (DHS) to post inspection results from
11 licensing surveys and complaint investigations onto the respective DOH and DHS websites for care
12 facilities each department licenses. The state licenses approximately 600 ARCHs, nursing homes,
13 developmental disabilities domiciliary homes, and assisted living facilities that would be affected by this
14 bill in addition to licensing many other facilities such as hospitals, clinical laboratories, ambulatory
15 surgical centers, home health agencies, etc. The significant volume of providers and associated surveys,

1 lists of deficiencies, and plans of correction of approximately 61,000 pages per year will require
2 significant additional work hours which cannot be absorbed at current staffing levels. Funding does not
3 exist to cover the additional costs. In addition, the Centers for Medicare and Medicaid Services (CMS)
4 currently requires nursing facilities to make available to current and potential patients the licensing
5 results, list of deficiencies and plan of correction in hard copy form at the facility. As a result, the
6 practicalities of the current funding environment preclude any ability to implement the bill's
7 requirements and CMS requirements on nursing facilities makes this bill unnecessary for nursing
8 facilities.

9 Thank you for the opportunity to testify.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
919 ALA MOANA BOULEVARD, ROOM 113
HONOLULU, HAWAII 96814
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
March 20, 2009

The Honorable Ryan I. Yamane, Chair
House Committee on Health

and

The Honorable John M. Mizuno, Chair
House Committee on Human Services
Twenty-Fifth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Representatives Yamane and Mizuno and Members of the Committees:

SUBJECT: SB 818 SD2 – RELATING TO HEALTH

The position and views expressed in this testimony do not represent nor reflect the position and views of the Departments of Health (DOH) and Human Services (DHS).

The State Council on Developmental Disabilities (DD) **SUPPORTS SB 818 SD2**. The purpose of the bill is to require DOH and DHS to post on their respective websites reports of all inspections of care facilities by January 1, 2011.

The provisions of this bill increases the ability of the public to obtain inspection reports of care facilities, and the transparency for the public to know which care facilities are not meeting standards, which ones meet minimal standards, and those that go beyond the minimal standards. This information could also be linked with the Aging and Disability Resource Center that is developing a single entry point for information and resources for the elder and disability population.

We defer to DOH and DHS for the appropriation required for each department to implement this bill. Thank you for the opportunity to present our testimony supporting SB 818 SD2.

Sincerely,

Handwritten signature of Waynette K. Y. Cabral in black ink.

Waynette K. Y. Cabral
Executive Administrator

Handwritten signature of Rosie Rowe in black ink.

Rosie Rowe
Chair

State of Hawai'i
Testimony in Support of SB 818, SD2 (SSCR841) Relating to Health
March 19, 2009
Committees on Human Services
Committee on Health

Representative John M. Mizuno, Chair, Human Services
Representative Tom Brower, Vice Chair

Representative Ryan I. Yamane, Chair, Health
Representative Scott Y. Nishimoto, Vice Chair

Chairs Mizuno and Yamane, Vice Chairs Brower and Nishimoto, and Committee Members:

The Legislative Committee of the State's Policy Advisory Board for Elder Affairs (PABEA) is in strong support of SB 818 SD2 (SSCR841), Related to ARCH Inspection Reports. My name is Colette Browne, Professor of Social Work at the Myron B. Thompson School of Social Work at the University of Hawai'i. I offer this testimony on behalf of PABEA, which is an appointed board tasked with advising the Executive Office on Aging (EOA). My testimony does not represent the views of the EOA but of the Board. I also respectfully testify here today as a citizen who has worked for more than 30 years in community and university settings to promote the well-being of older adults.

Our most frail elders often reside in assisted living residences known as care homes. Many provide excellent care to their residents by providing a physically safe environment, supervision, assistance with activities of daily living, and other forms of support.

The Department of Health is mandated by the state to provide protective oversight of these homes through regularly scheduled inspections. This refers to monitoring the facility to ensure that the residents receive the services and care necessary to protect their well-being, safety, and health.

At this time, elders and their families—as consumers—do not have easy access to these inspection reports. This information can enable them to make the best choices for care. States across the nation are increasingly turning to the web to post their required inspections.

We believe it is critical that our state follow this national lead and post the results of these inspections so that consumers can make informed decisions.

We ask for your support in passing SB 818 SD2.

Respectfully,

Colette V. Browne
Legislative Committee

Policy Advisory Board for Elder Affairs

The Twenty-Fifth Legislature
Regular Session of 2009

HOUSE OF REPRESENTATIVES

Committee on Health

Rep. Ryan I. Yamane, Chair

Rep. Scott Y. Nishimoto, Vice Chair

Committee on Human Services

Rep. John M. Mizuno, Chair

Rep. Tom Brower, Vice Chair

State Capitol, Conference Room 329

Friday, March 20, 2009; 10:00 a.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 818, SD2
RELATING TO HEALTH**

The ILWU Local 142 supports S.B. 818, SD2, which requires the Departments of Health and Human Services to post on their websites reports of all inspections of care facilities by 1/1/11.

As Hawaii's population ages, more will need to reside in nursing homes and care homes that are under the jurisdiction and oversight of the Department of Health and the Department of Human Service. Both departments are required to conduct inspections of these facilities. S.B. 818, SD2 will require that both departments post on their websites reports of their findings from these inspections.

These reports will provide families who have loved ones in these facilities as well as those considering placement with more information about the quality of these facilities. Providing these reports on the departments' websites is an inexpensive way to provide a valuable service to caregivers who want to ensure that their family members are residing in suitable, quality environments. The Departments should also make every attempt to publicize their websites--through free publications, community organizations, public announcements in the newspapers, etc.

One drawback, however, is that many families and individuals do not have access to the Internet. However, more and more resources are available to allow such access--such as the public libraries and workforce offices like Oahu Work Links. While web access to inspection information may be limited, it is a start.

The ILWU urges passage of S.B. 818, SD2. Thank you for the opportunity to share our views and concerns.

Hawai'i Alliance for Retired Americans

An affiliate of the Alliance for Retired Americans
c/o AFSCME · 888 Mililani Street, Suite 101 · Honolulu, Hawaii 96813

AFT Retirees
HGEA Retirees
HSTA – Retired
ILWU Retirees
Kokua Council
Machinists Union Retirees
UPW Retirees
ADA/Hawaii
Hawaii Family Caregivers Coalition

(Submitted by email to: HLTtestimony@capitol.hawaii.gov March 20, 2009)

Statement of Al Hamai, President, Supporting SB 818, SD2, Relating to Health

Hearing by House Committees on Health and on Human Resources

March 20, 2009, 10:00 a.m. Conference Room 329

Chair Ryan I. Yamada and Members, Committee on Health and
Chair John Mizuno, and Members, Committee on Human Resources

HARA strongly supports SB 818, SD2. HARA has nine affiliates, listed on this letterhead, representing 21,000 members.

The purpose of this measure is to require the Department of Health and the Department of Human Services to make available to the public, free of charge, information collected from the departments' inspections of care facilities.

The HARA concurs with the purpose and believes that this bill is really in the public interest. There is no real justification to have inspections conducted by state officials kept in difficult to access public files. Inspection reports placed on the website will help the increasing number of people, who will have the responsibility to help find a suitable care facility for a loved one. They can go on site to get the information they need to help them make a very difficult decision. Some of us, who have had to help make such decision, clearly see the need for easily accessible inspection reports on the website. Those reports would have been extremely helpful for us, saving us much time and effort in making on site visits to many care facilities before making our choice.

Many other states already have websites with inspection reports. Let our state join them and provide easily accessible information to our citizens to help them make an appropriate choice of care facility for their loved ones or for themselves.

HARA urges the two committees to approve SB 818, SD 2. Mahalo.

HARA is a strong voice for Hawaii's retirees and seniors; a diverse community-based organization with national roots; a grassroots organizer, educator, and communicator; and a trusted source of information for decision-makers.

**House Joint Committees on Health & Human Services
S.B. 818, SD2 Relating to Health**

**Testimony of John G. McDermott, LSW, ACSW, M. Div
State Long Term Care Ombudsman
(808) 586-7268**

**March 20, 2009
10:00 am Conference Room 329**

I am testifying **IN FAVOR** of S.B. 818, SD2

The purpose of this bill is to require the Department of Health and the Department of Human Services to post on their respective websites reports of all inspections of residential care facilities. [Please **amend** the bill by adding the word "residential."] I believe this bill is very much needed and especially now as our senior and disabled populations are rapidly increasing while our nursing home bed capacity has remained approximately the same. If there are few available nursing home beds for this approaching "gray tsunami," where will all these people go for their care?

Anyone, old or young, can suddenly find himself or herself hospitalized and later in need of long term care. Today, finding information on a nursing home is easy. Just type www.medicare.gov and click on "Nursing Home Compare." It will give you the annual inspections for every nursing home in the country. All the Department of Health has to do is create a link to this site.

But in Hawaii most of our nursing homes are full...and expensive. If someone has to rely on an adult residential care home or adult foster home for their long term care needs, or is interested in information on assisted living facilities, where is that website? Nowhere. It does exist in at least 17 other states, but not Hawaii, not yet.

Our State requires inspections in order to protect the public. And these inspections are paid by us, the taxpayers. So why shouldn't this same information be easily accessible, by a simple click on the DOH or DHS website? This bill is about consumer education. It's about transparency. It's a way of motivating residential care facilities to do a better job once they realize their inspections are now easily available for all to see. It promotes healthy competition. The focus is no longer on which is the cheapest but which is the best? It allows residents to see if their complaints to surveyors were appropriately documented and investigated. It allows caregivers to compare their surveys with other caregivers to see if it was done fairly, impartially, that everyone was treated the same. It allows the public, and our legislators, to see if we have a problem with the care provided and how we can work together to improve that care.

Once no longer acute care level, families and patients are told at the hospital they must decide where they want to be discharged quickly or become private pay at the hospital rate. "Managed" care means no more waiting for a nursing home bed to open up. Most people can't afford this and so they need this information so they can make the best placement decision possible. Social workers and discharge planners also need this information so they can assist the patients and their families in these decisions and do their jobs more professionally. Getting patients out of the hospitals more quickly SAVES the State money. Patients and their families will have more confidence that, despite media reports highlighting the exceptions to the rule, we do have good homes out there. No one should be forced to make such an important decision like long term care placement in a vacuum.

The Honolulu Advertiser reported on March 16, 2009 that, according to the National Freedom of Information Coalition, Hawaii is 26th in the nation when it comes to free online services provided by government agencies. Passing this bill will help move us up a notch or two. This week we celebrate National Sunshine Week. It is serendipity that this bill be heard today and hopefully passed out to House Finance.

The inspections are already being done. The results are probably in somebody's computer. It shouldn't be that expensive or complicated to create a link so the public can review the information they paid for and which was done for their protection. I and fellow advocates are asking that the Departments of Health and Human Services to come together and make this happen as soon as possible. Mahalo.

Thank you for this opportunity to testify.

Websites Posting Long Term Care Facilities Inspection Results

Alabama	www.adph.org
Arizona	http://www.azdhs.gov/als/index.htm
Colorado	http://www.cdphe.state.co.us/hf/alr/index.html
Georgia	www.ors.dhr.state.ga.us
Iowa	www.dia-hfd@state.ia.us
Michigan	http://www.dleg.state.mi.us/brs_afc/sr_afc.asp
Minnesota	
Missouri	http://www.dhss.mo.gov/showmelongtermcare/
New Jersey	http://www.state.nj.us/health/healthfacilities/alr.shtml
New Mexico	www.dhi.health.state.nm.us http://dhi.health.state.nm.us/providersearch/index.php
New York	http://www.health.state.ny.us/facilities/adult_care/
North Carolina	http://www.ncdhhs.gov/dhsr/index.html
Ohio	www.ltcoho.org
Pennsylvania	http://www.dpw.state.pa.us/ServicesPrograms/PhysicalDisabilities/003670205.a http://app2.health.state.pa.us/commonpoc/nhLocator.asp
Texas	http://facilityquality.dads.state.tx.us/ltcqrs_public/nq1/jsp2/qrsGeoArea1en.jsp?MODE=P&LANGCD=en&TYPSRV=al_all
Virginia	http://www.dss.virginia.gov
Wisconsin	http://dhs.wisconsin.gov/bqaconsumer/ResidOpts/seek.htm

House Joint Committees on Health & Human Services

S.B. 818, SD2 Relating to Health

Testimony of Jack Yatsko, MSW, LSW

(808) 822-9723

March 20, 2009

10:00 am Conference Room 329

I am testifying **IN FAVOR** of S.B. 818, SD2

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