

SB 818



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

February 10, 2009

The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services

and

The Honorable David Y. Ige, Chair
Senate Committee on Health
Twenty-Fifth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Senators Chun Oakland and Ige and Members of the Committees:

SUBJECT: SB 818 – 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**. The purpose of the bill is to require DOH and DHS to post on their respective websites reports of all inspections of care facilities, and appropriate funds to DOH and DHS to prepare to post inspection reports online.

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.

Sincerely,


Waynette K. Y. Cabral
Executive Administrator

Senate Committees on Human Services & Health

S.B. 818, Relating to Health
Testimony of John G. McDermott, LSW, ACSW, M.Div
State Long Term Care Ombudsman
(808) 586-7268

February 10, 2009
1:15 pm Conference Room 016

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

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 care facilities. 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 the same.

Anyone, old or young, can suddenly find himself or herself hospitalized and later in need of long term care. Finding information on a nursing home is easy. You 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. But in Hawaii most of our nursing homes are full...and expensive. If someone has to rely on a care home or foster home for their long term care needs, or is interested in information on assisted living, where is that website? Nowhere. It does exist in many 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 care facilities to do a better job once they realize their inspections are now available for all to see. It allows residents to see if their complaints to surveyors were appropriately investigated and documented. 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. 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 do their jobs more professionally. No one should be forced to make such an important decision like long term care placement in a vacuum.

The inspections are already being done. The results are 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 come together and make this happen as soon as possible. Mahalo.

Thank you for this opportunity to testify.

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 Hawaii Retirees

HGEA Retirees

HSTA – Retired

ILWU Retirees

Kokua Council

Machinists Union Retirees

UPW Retirees

ADA/Hawaii

Hawaii Family Caregivers Coalition

(Submitted by email to: HMSTestimony@Capitol.hawaii.gov February 7, 2009)

Joint statement of Al Hamai, President, and Carol Nitta, Legislative Committee
Member, Supporting SB 818, Relating to Health

Joint Hearing of the Senate Committees on Human Services and Health

February 10, 2008, 1:15 p.m. Conference Room 016

Chair Suzanne Chun Oakland, and Members of the HMS Committee, and
Chair David Y. Ige and Members of the HTH Committee,

We are submitting testimony on behalf of HARA in support of SB 818.

The purpose of this bill is to require the Department of Health and the
Department of Human Services to make available to the public information
collected from the departments' inspections of care facilities and to appropriate
funds to the two departments so they may make these inspection reports
available to the public without charge.

Anyone who has had the experience of finding a suitable care facilities for a love
one with a few days notice from a doctor or a medical facility will understand how
difficult and trying that experience really is. Which care facility from among a
whole listing of facilities will be most suitable from our loved one? Providing
inspection reports on line will be very helpful to make the difficult placement
decision.

HARA urges the Senate Human Services Committee and the Senate Health
Committee to approve SB 818. Mahalo.

*HARA is a strong voice for Hawaii's retirees and seniors. HARA is an educator, a grassroots
organizer, a communicator and a trusted source of information for decision-makers. HARA is a
diverse community-based local organization with national roots where our members decide our
priorities. We are 21,000 strong and growing.*

State of Hawai'i
Testimony in Support of SB 818, Related to ARCH Inspection Reports
February 9, 2009
Committees on Human Service
Committee on Health

Senator Suzanne Chun Oakland, Chair, Human Services
Representative Les Ihara, Jr., Vice Chair

Senator David Ige, Chair, Health
Representative Dr. Josh Green, Vice Chair

Chairs Chun Oakland and Ige, Vice Chairs Ihara and Green, and Committee Members:

The Legislative Committee of the State's Policy Advisory Board for Elder Affairs (PABEA) is in strong support of SB 818, Related to ARCH Inspection Reports. My name is Colette Browne, Professor of Social Work 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 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

Respectfully,

Colette V. Browne, Dr.PH
Legislative Committee
Policy Advisory Board for Elder Affairs

TO: COMMITTEE ON HUMAN SERVICES
Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
COMMITTEE ON HEALTH
Senator David Y. Ige, Chair
Senator Josh Green, MD, Vice Chair

FROM: Eudice R. Schick
PABEA (Policy Advisory Board for Elder Affairs)

SUBJECT: SB 818 RELATING TO HEALTH

HEARING: Tuesday, February 10, 2009 Room 016

POSITION: Support of SB 818

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 care facilities. I believe this bill is very much needed and especially now as our senior population is rapidly increasing while our nursing home bed capacity has remained stagnant.

Anyone, old or young, can suddenly find himself or herself hospitalized and later in need of long term care. In Hawaii most of our nursing homes are full and very expensive. If someone has to rely on a care home or foster home for their long term care needs, or is interested in information on assisted living, where is that web site. Hawaii does not have one, as yet. Many other states do.

Our state requires inspections in order to protect the public. These inspections are paid by us, the taxpayers, yet we have no access to the information. This bill is about consumer education. It's about transparency. It's a way to motivate care facilities to do a better job. It allows residents to see the complaints, and caregivers to compare their inspections against others. 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.

Families are being told that their loved one must leave the hospital or become private pay. This notice, many times, is only a very few days. How are the families supposed to find a good home or facility for their loved one if the information, other than a name address and phone number, is available to them. More important is the care and comfort of their loved one. These inspections are already being done and are sitting on a computer somewhere. Why not make this information easily accessible.

Thank you for your consideration and support of SB 818

Eudice R. Schick, Chair PABEA Legislative Committee

KOKUA COUNCIL

Hawaii's Voice for a Better Future
597-8838

Testifier: Laura G. Manis, tel.

Joint Hearing of the Senate Committees on Human Services and Health

February 10, 2008, 1:15 p.m. Conference Room 016

Chair Suzanne Chun Oakland, and Members of the HMS Committee, and Chair David Y. Ige and Members of the HTH Committee

SB 818, Relating to Health, requires the DOH and the DHS to make available to the public information collected from the departments' inspections of care facilities and to appropriate funds to the two departments so they may make these inspection reports available to the public without charge.

SUPPORT

Kokua Council whose mission includes advocating for the health of the elderly and those vulnerable populations who cannot advocate for themselves supports this bill.

Our state requires inspections in order to protect the public. Finding information on a nursing home is made easy by a simple click on the DOH or DHS Website. But nowhere on the Web is this information available for care or foster homes.

Families must find a suitable care or foster home within a few days and do not have the time to visit available sites in order to make a judgment on which home would be best for their family member.

This bill is about consumer education and transparency. It's a way of motivating care facilities to do a better job once they realize their inspections are now available for all to see. It allows families to see if their complaints were appropriately investigated and documents and to compare with other surveys.

For these reasons, Kokua Council will support this bill that will ... quickly help families and patients decide where they want to be.

... help people access information to make the best possible placement decision possible.

... help social workers and discharge planners use this information so they can do their jobs more professionally.

... Encourage care facilities to improve their services.

Our membership of over 400 young and old persons asks that you support this bill.

TESTIMONY BY: DIANA K TREVINO
UNIVERSITY OF HAWAII SOCIAL WORK STUDENT
TO THE SENATE COMMITTEE ON DOH AND DHS POSTING INSPECTION
RECORDS ONLINE
SENATE BILL NO. S.B.818
February 10, 2009
Time: 1:15pm

RELATING TO HEALTH:

Senate Bill No. 818 Requires the department of health and the department of human services to post on their respective websites reports of all inspections of care facilities

As a Graduate student of Social Work, as well as a member of the private sector managing a contract for Developmental Disabilities, I am in favor and support of posting certifications and inspection dates of care homes, and other facilities which are serving a very vulnerable population such as those with Developmental Disabilities. This bill speaks of the importance of knowing which facility and care home is up to par on all inspections and certifications that could very easily be overlooked in placing an individual with developmental disabilities. Posting inspections and certifications online for public access shows that there is time and consideration taken into the quality of care of these facilities to a population that is extremely at risk for abuse and neglect.

The knowledge of which facilities have violations for particular situations, can also help the parents/guardians make better choices for their individuals with disabilities in terms of which facility is more appropriate and safe. This will also facilitate the placement process by those agencies and State Case Managers which currently is a timely matter because of missing information of where the certification processes rest. It not only is best practice but also the rights of those individuals and their circle of supports to know whether the facilities that care for them are meeting STATE and Health and Safety standards. Therefore, I am in support for Bill S.B.818 in passing for allocations of funds for this matter.

Thank you for this opportunity to provide testimony on this measure.

Diana K Trevino, MSW student



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

In reply, please refer to:
File:

SENATE COMMITTEES ON HUMAN SERVICES AND HEALTH

SB0818, RELATING TO HEALTH

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

February 10, 2009
1:15 p.m.

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

3 **Fiscal Implications:** Significant but unquantified additional work hours will be required which cannot
4 be absorbed at the current staffing levels.

5 **Purpose and Justification:** The bill will require the Department of Health (DOH) and the Department
6 of Human Services (DHS) to post inspection results from licensing surveys and complaint investigations
7 onto the respective DOH and DHS websites for care facilities each department licenses. The state
8 licenses approximately 600 ARCHs, nursing homes, developmental disabilities domiciliary homes, and
9 assisted living facilities that would be affected by this bill in addition to licensing many other facilities
10 such as hospitals, clinical laboratories, ambulatory surgical centers, home health agencies, etc. The
11 volume of providers and associated surveys, lists of deficiencies, and plans of correction will require
12 significant additional work hours which cannot be absorbed at current staffing levels. Funding does not
13 exist to cover the additional costs. The Centers for Medicare and Medicaid Services (CMS) currently
14 requires nursing facilities to make available to current and potential patients the licensing results, list of
15 deficiencies and plan of correction in hard copy form at the facility. As a result, the practicalities of the

1 current funding environment preclude any ability to implement the bill's requirements and CMS
2 requirements on nursing facilities makes this bill unnecessary for nursing facilities.

3 Thank you for the opportunity to testify.



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

February 10, 2009

MEMORANDUM

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

Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services

FROM: Lillian B. Koller, Director

SUBJECT: S.B. 818 - RELATING TO HEALTH

Hearing: 1:15 p.m., Tuesday, February 10, 2009
Conference Room 016, State Capitol

PURPOSE: The purpose of S.B. 818 is to require the Department of Health and Department of Human Services (DHS) to make available to the public information collected from the departments' inspection of care facilities.

DEPARTMENT'S POSITION: The Department of Human Services respectfully opposes this bill. It would not be prudent to enact this bill into law at this time as it requires considerable general funds at a time when such funding is not available.

The Department acknowledges that this measure has merit; however, this bill proposes to incorporate similar criteria as those used by the Centers for Medicare & Medicaid Services (CMS) for the national Nursing Home Compare program. CMS has an

elaborate, complex survey process and data collection system to generate nursing facility comparisons. No such system is currently available for the facilities regulated by DHS, including 900 certified community care foster family homes and 30 licensed adult day care centers statewide. Should a system be implemented, DHS estimates additional funding of approximately \$600,000 annually would be needed for personnel, data analysis, and maintenance of a website. Given the current fiscal difficulties, it would not be prudent to pursue enactment at this time.

Thank you for this opportunity to testify.