

STAND. COM. REP. NO.

Honolulu, Hawaii

APR 08 2011

RE: H.B. No. 739  
H.D. 2  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 739, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES,"

begs leave to report as follows:

The purpose and intent of this measure is to specify that in Community Care Foster Family Homes approved for a maximum of three clients, the primary caregiver must be a Certified Nurse Aide and the substitute caregiver must be a Nurse Aide.

Your Committee received testimony in support of this measure from the Filipino Chamber of Commerce of Hawai'i; National Federation of Filipino American Associations Region XII; Adult Foster Homecare Association of Hawaii; The Primary Care Providers; Alliance of Residential Care Administrators; Lou's Quality Home Health Care Services, LLC; and numerous individuals. Your Committee received testimony in opposition to this measure from the Department of Human Services, City and County of Honolulu Department of Community Services, Long-Term Care Ombudsman, and two individuals.

Your Committee finds that requiring Community Care Foster Family Homes caregivers to be licensed as Certified Nurse Aides or Nurse Aides results in better quality of care and safety for elderly and disabled residents of Community Care Foster Family Homes. Your Committee further finds that Certified Nurse Aides



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and Nurse Aides must attain a minimum level of education and meet certain coursework requirements in order to become licensed.

Your Committee additionally finds that Certified Nurse Aides must undergo a twenty-four hour examination every two years and obtain recertification from the Department of Commerce and Consumer Affairs. Your Committee also finds that although Nurse Aides do not have to take a similar examination, they must complete continuing education every two years to ensure that their skills are maintained at a satisfactory level.

Your Committee has heard the concerns regarding the barriers to maintaining a Certified Nurse Aide license. Your Committee finds that the licensing and continuing education requirements under this measure will help ensure the quality of care and provision of services provided by caregivers in Community Care Foster Family Homes.

Accordingly, your Committee has amended this measure by requiring:

- (1) Community Care Foster Family Homes to be certified and in operation for at least one year prior to being certified for a third client;
- (2) Nurse Aides to complete a minimum of twelve hours of continuing education every calendar year;
- (3) A Community Care Foster Family Home to individually name each substitute caregiver on its liability insurance policy; and
- (4) Community Care Foster Family Homes to ensure that the following are current and made available for inspection by the Department of Human Services and the clients of the Community Care Foster Family Homes:
  - (A) Proof that a substitute caregiver possesses the requisite skills to qualify as a Nurse Aide; and
  - (B) Proof of certifications for Certified Nurse Aides.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B.



No. 739, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 739, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Human Services,

*Suzanne Chun Oakland*

SUZANNE CHUN OAKLAND, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:* <b>HB 739, HDZ</b>	Committee Referral: <b>HMS</b>	Date: <b>4-5-11</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
GREEN, M.D., Josh	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between; font-size: small;"> <span><b>Distribution:</b></span> <span>Original File with Committee Report</span> <span>Yellow Clerk's Office</span> <span>Pink Drafting Agency</span> <span>Goldenrod Committee File Copy</span> </div>				

**\*Only one measure per Record of Votes**