

STAND. COM. REP. NO.

999

Honolulu, Hawaii

MAR 22 2013

RE: H.B. No. 529
H.D. 1
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Human Services, to which was referred H.B.
No. 529, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CARE HOMES,"

begs leave to report as follows:

The purpose and intent of this measure is to require all operators of adult foster homes, assisted living facilities, expanded adult residential care homes, community care foster family homes, and developmental disabilities domiciliary homes to maintain a sufficient amount of liability insurance.

Your Committee received testimony in support of this measure from the Department of Health, State Council on Developmental Disabilities, Adult Foster Homecare Association of Hawaii, and one hundred-two individuals. Your Committee received comments on this measure from the Department of Human Services and three individuals.

Your Committee finds that requiring operators of care facilities to obtain and maintain liability insurance protects not only the operators, but the residents of such homes and facilities as well, and is prudent, given the ever-increasing numbers of people that reside in these homes and facilities.

Your Committee has amended this measure by:



- (1) Deleting language that would have required, under chapter 346, Hawaii Revised Statutes, assisted living facilities and expanded adult residential care homes to obtain and maintain liability insurance in a coverage amount deemed sufficient and appropriate by the Department of Human Services until July 1, 2014;
- (2) Adding language to chapter 346, Hawaii Revised Statutes, to require community care foster family homes to maintain coverage for auto liability insurance and to clarify the coverage amounts deemed sufficient and appropriate by the Department of Human Services for community care foster family homes until July 1, 2014;
- (3) Adding language to chapter 346, Hawaii Revised Statutes, that requires the Department of Human Services, or its designee, to annually verify the proof of liability insurance for both the home and for vehicles used to transport home residents for community care foster family homes until July 1, 2014;
- (4) Amending section 321-11.2(a), Hawaii Revised Statutes, to expand the definition of "adult foster home" to include a private home providing care on a twenty-four hour basis for adults with intellectual disabilities;
- (5) Deleting language in section 321-11.7(a), Hawaii Revised Statutes, that would have required adult foster care homes operating under the waiver program with the Department of Human Services and community care foster family homes to obtain and maintain liability insurance in a coverage amount deemed sufficient and appropriate by the Department until July 1, 2014;
- (6) Adding language to section 321-11.7, Hawaii Revised Statutes, to require developmental disabilities domiciliary homes to obtain and maintain liability insurance in specified coverage amounts until July 1, 2014;
- (7) Deleting language that would have exempted specified adult foster homes, adult residential care homes, assisted living facilities, expanded adult residential care homes, and developmental disabilities domiciliary



999

homes from obtaining and maintaining liability insurance beginning on July 1, 2014;

- (8) Amending section 321-11.7(a), Hawaii Revised Statutes, to require developmental disabilities domiciliary homes to maintain liability insurance and automobile liability insurance and require the Department of Health to verify proof of the insurance until July 1, 2014;
- (9) Adding language to chapter 321, Hawaii Revised Statutes, to:
 - (A) Require adult foster homes, adult residential care homes, assisted living facilities, community care foster family homes, developmental disabilities domiciliary homes, and expanded adult residential care homes to maintain coverage for automobile liability insurance;
 - (B) Clarify the coverage amounts deemed sufficient and appropriate by the Department of Health; and
 - (C) Require the Department of Health, or its designee, to annually verify the proof of liability insurance for both the home and for vehicles used to transport home residents,

beginning on July 1, 2014;

- (10) Inserting language to extend the sunset date of Act 221, Session Laws of Hawaii 2011, to July 1, 2014, and deleting the reenactment provisions, and making that section of this measure effective on June 29, 2013;
- (11) Increasing the client limit for adult foster homes to three adults with developmental or intellectual disabilities; and
- (12) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 529, H.D. 1, as amended herein, and recommends that it pass



999

Second Reading in the form attached hereto as H.B. No. 529,
H.D. 1, 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 Human Services,

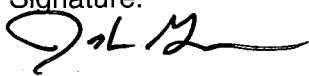
Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">HB 529, HD1</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HMS, CPN</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">3/19/13</div>		
<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)	/			
GREEN, Josh (VC)	/			
KIDANI, Michelle N.				/
TANIGUCHI, Brian T.	/			
SLOM, Sam				/
TOTAL	3	0	0	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">  </div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

*Only one measure per Record of Votes