HB 600 HD1

Measure Title:	RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES.
Report Title:	Community Care Foster Family Homes; Private-Pay Clients; Medicaid Clients
Description:	Authorizes the Department of Health to allow two private-pay individuals to be cared for in the same community care foster family home if certain requirements are met. (HB600 HD1)
Companion:	
Package:	None
Current Referral:	HSH, WAM
Introducer(s):	MIZUNO, MORIKAWA, Brower



RACHAEL WONG, DrPH DIRECTOR

> PANKAJ BHANOT DEPUTY DIRECTOR

STATE OF HAWAII DEPARTMENT OF HUMAN SERVICES

P. O. Box 339 Honolulu, Hawaii 96809-0339

March 22, 2015

TO:	The Honorable Suzanne Chun Oakland, Chair Senate Committee on Human Services and Housing
FROM:	Rachael Wong, DrPH, Director
SUBJECT:	H.B. 600 HD1 - RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES
	Hereinen Tressder March 24 2015, 1-20 mm

Hearing: Tuesday, March 24, 2015; 1:20 p.m. Conference Room 016, State Capitol

<u>PURPOSE</u>: The purpose of this bill is to authorize the Department of Health to allow two private pay individuals to be cared for in the same community care foster family home if certain requirements are met.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this measure and provides comments on this bill. The DHS supports the availability of community-based resources for residents but remains concerned that a possible unintended consequence is that the proposed changes may displace or reduce the availability of community care foster homes for Medicaid recipients.

The Community Care Foster Family home (CCFFH) was created under the former Medicaid waiver program of the same name. The foster family home was, and still is, an integral part of the long term care continuum of care and provides a less restrictive community-based home for Medicaid recipients at a nursing facility level of care. The CCFFH allows recipients to remain in the community rather than go into a nursing home. Currently CCFFHs are licensed for two residents and may request for a third bed. In order to obtain the third bed, it must be for a Medicaid recipient. This bill would remove that requirement by allowing two private pay residents and only one Medicaid recipient if the two private pay individuals are married.

While we recognize that a CCFFH operator needs to be able to have sufficient income and there is a preference to keep married couples together, the DHS needs to ensure the availability of CCFFH beds for all Medicaid recipients who do not have the means to privately pay for housing. If the intent is to allow a CCFFH to increase the number of residents in their home, a current option available to them, that does not require legislation, would be to seek licensure as an E-ARCH.

The DHS defers to the Department of Health on licensing issues. Thank you for the opportunity to testify on this measure. DAVID Y. IGE GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D. DIRECTOR OF HEALTH

STATE OF HAWAII DEPARTMENT OF HEALTH P. O. Box 3378 Honolulu, HI 96801-3378 doh.testimony@doh.hawaii.gov

Testimony COMMENTING on House Bill 600, HD 1 RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES

SENATOR SUZANNE CHUN OAKLAND, CHAIR SENATE COMMITTEE ON HUMAN SERVICES AND HOUSING

Hearing Date: Tuesday, March 24, 2015 Room Number: 016

1 **Department Testimony:** Thank you for the opportunity to present comments on HB 600, HD 1. The intent of this bill is to allow two clients in a verifiable relationship to live in the same 2 community care foster family home (CCFFH) when both clients are private pay. 3 The CCFFH program was specifically designed and established to save the state money 4 while ensuring quality health care in an approved setting. Instead the state of paying for 5 Medicaid recipients to receive nursing facility level health care in an institution such as a skilled 6 nursing facility, they could receive care in a home-like setting at lower costs to the state. As a 7 result, this program was primarily established with Medicaid nursing level of care recipients in 8 9 mind. On the other hand, DOH's licensure programs are primarily intended to ensure patient 10 safety and quality of care. In addition to clinical quality of care, life safety, and physical plant 11 12 requirements among other things, licensees must demonstrate the business and financial ability

13 to operate a home regardless of their specific sources of revenue. Licensure does not require or

14 otherwise consider the licensees' specific sources of revenues or the patients' sources of

1	payments. Licensees establish their own fee schedules without DOH scrutiny or regulation and
2	they contract with payors as they wish.
3	This bill changes that and could establish a precedent for DOH's other licensure
4	programs. This bill will authorize DOH to consider specific sources of revenue for the care
5	home operator other than what was originally intended as part of the overall licensure process.
6	Nevertheless, the intent of this bill is to allow nursing level of care couples in an
7	objectively verifiable relationship to live their latter days together in a CCFFH. This is highly
8	desirable. HD 1 made the bill less confusing than the originally submitted bill but the
9	department continues to have concerns.
10	First, HD 1 restricts the relationship to married couples. This would not authorize the
11	department to allow couples in civil unions to live together. The bill should allow civil union
12	couples the same ability.
13	Second, HD 1 continues to require both individuals in the relationship to be private pay.
14	The bill assumes that in a certified 3-bed home, the couples are both private pay while the 3 rd
15	resident is on Medicaid. However, the couple could have different payor sources, that is, the
16	husband could be on Medicaid, the 2 nd resident could be private pay, and the wife could be
17	private pay. In this case the state would not be authorized to allow the couple to live together in
18	the 3-bed home. Instead, the bill should simply authorize the department to allow couples in an
19	objectively verifiable relationship such as married or in a civil union to live together in a 3-bed
20	certified CCFFH regardless of their sources of payments.

1	Third, the bill should also be clear that once the relationship no longer exists the
2	department has the discretion to reassign the bed back to use for the Medicaid population as was
3	originally intended and as defined in statute at HRS §321-481.
4	Thank you for the opportunity to testify in support of the intent of HB 600, HD1 and to
5	provide comments as a way to help shape policy to prudently and compassionately meet the
6	needs of specific individuals by granting the authority to the department to act with discretion
7	and flexibility.
8	Offered Amendments: Amend page 3 line 16 through 19 and page 4 lines 5 through 7 as
9	follows:
10	Page 3 line 16 through 19:
11	(A) The department, in its discretion, may allow two
12	private-pay individuals to be cared for in the same
13	community care foster family home if all of the
14	following are met:
15	Page 4 lines 5 through 7:
16	(iii) The two private-pay <u>Two</u> of the three nursing level
17	clients are in a relationship with each other as a
18	married or civil union couple; and
19	(iv) The department, in its discretion, may disregard the
20	payor status of the clients in a married or civil
21	union relationship; and

1	(v)	The department, in its discretion, may redesignate at
2		least one of the two private-pay beds to a Medicaid
3		bed when the couple's relationship ceases to exist in
4		the home; and



ADULT FOSTER HOME OF THE PACIFIC P.O. Box 971450 Waipahu, HI 96797

Re: HB600 – Testimony in Support

NOTICE OF HEARING

DATE: Wednesday, March 4, 2015 TIME: 11:00 a.m. PLACE: Conference Room 308 State Capitol 415 South Beretania Street

Dear Chair Rep. Sylvia Luke, Vice Chair Rep. Scott Y. Nishimoto, Rep. Romy M. Cachola, Rep. Ty J.K. Cullen, Rep. Lynn De Coite, Rep. Aaron Ling Johanson, Rep. Jo Johnson, Rep. Jarrett Keohokalole, Rep. Bertrand Kobayashi, Rep. Nicole E. Lowen, Rep. Richard H.K. Onishi, Rep. James Kunane Takioka, Rep. Kyle T. Yamashita, Rep. Feki Pouha, Rep. Gene Ward.

Good morning chair, vice chair & the committees, my name is **Elma Velasco Tierra**, president of the adult foster home of the pacific. I strongly support **HB600** because this is another version of SB190 in 2009 & was sunset in 2011.

In 2009 we had a patient named **Sidney Kaide**, he was a private pay. After 5 years his wife **Terry Kaide** had a back surgery so she could not take care herself anymore. At this point she wanted to join her husband in the same community care foster home. But the problem is she is not allowed because we, CCFFH can only have one private pay. When SB190 was introduced in 2009 the family worked hard to help passed the bill. The hardships that they went through was physically and emotionally draining. **Terry Kaide** in a wheelchair flew from Hilo to the State capitol wherever there was a hearing until the bill was passed. When Terry came to visit her husband from another adult foster home she said to her husband (bed bound) holding his hands, "we work hard for our savings thinking that when we get old we have money to support ourselves... and now we are being punished by the law for being able to pay for our care... We are not asking money at this point, just to be together for the last days of our lives. Sixty three years we are together...it's hard for me to understand why there is such a law that separate us when we get old".

In April 2009, **Gov. Lingle** SB190 signed into law and she said "it ends an injustice for one family and it brings hope to families who may find themselves in a similar situation. It is about real people and their lives together"... While the governor was signing the bill **Terry Kaide** watched from her wheelchair and said "I'm so happy I feel great so now we don't have to get permission to live together". We are free.

The SB190 after signing into law sunset in two years. The promises were gone!

In closing I sincerely ask to support the intent of **HB600** that will give equality and justice for elderly, likes the Kaides once enjoyed.

Thank you very much for giving me the opportunity to testify.

Elma V. Tierra, President

Adult Foster Home of the Pacific

Submitted on: 3/23/2015 Testimony for HSH on Mar 24, 2015 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Apple Salom	Individual	Support	No

Comments:

Please note that testimony submitted <u>less than 24 hours prior to the hearing</u>, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Submitted on: 3/23/2015 Testimony for HSH on Mar 24, 2015 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
CABREROS family	Individual	Support	No

Comments: I do agree for this HB600 to be pass by the committees . I really appreciated that my mother lived in one of the CCFFH 'a in HILO . I love this caregiver and she's the leader of the BIAFHO. So I humbly ask Sen Chan Oakland to help couple spend their last breath in a home setting like this . Thank you very much.

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Submitted on: 3/22/2015 Testimony for HSH on Mar 24, 2015 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
celia olaes	Individual	Support	No

Comments: Currently taking care of Vivian Kan as my foster home (private). 95 years old, been married 65 years never been separated to Philip Kam 96 years old. Now after I have been taking care of Mrs Vivian Kam for 3years this coming August. Mr Philip Kam was been visiting my home ever since. 7/365. Unless he is sick or if Vivian is sick. I wish this can pass hb600. Mahalo Celia olaes

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Submitted on: 3/23/2015 Testimony for HSH on Mar 24, 2015 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Cristina Martinez	Individual	Support	No

Comments:

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Submitted on: 3/23/2015 Testimony for HSH on Mar 24, 2015 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Divina Eder	Individual	Support	No

Comments: Please pass HB600 to let the couple be with each in the last days of their lives.

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Submitted on: 3/23/2015 Testimony for HSH on Mar 24, 2015 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Edna Sumoba Salom	Individual	Support	No

Comments: Private pay couple who want to come to our homes are short stay. One maybe terminally ill counting on days to come before one goes. May need only comfort measures/care. Give them respect knowing that they only come to our home and go sooner than we expect.

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From:	mailinglist@capitol.hawaii.gov
To:	HSH Testimony
Cc:	cariagacora@yahoo.com
Subject:	*Submitted testimony for HB600 on Mar 24, 2015 13:20PM*
Date:	Monday, March 23, 2015 10:51:07 AM

Submitted on: 3/23/2015 Testimony for HSH on Mar 24, 2015 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Frances Marie E. Cariaga	Individual	Support	No

Comments:

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Submitted on: 3/23/2015 Testimony for HSH on Mar 24, 2015 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Helen Sumoba Sapla	Individual	Support	No

Comments: HB600 must be made permanent so husband and wife who are private pay must stay together in a CCFFH. When one dies shortly there after the other will follow to. These patients who come to our homes are rare. The nature of these patients who go to a foster home will not live long anyway. Give them the courtesy to spent their life together "Till death Separate Them Apart"

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Submitted on: 3/23/2015 Testimony for HSH on Mar 24, 2015 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jayvie Agcaoili Sumoba	Individual	Support	No

Comments: Private pay couple should have not been an issue to stay together in a CCFFH. Where is common sense? We should not waste our time debating issues for logical and legal things to do. What is the role of marriage contract then? Let us not confuse more ourselves. Please make HB600 permanent. Thank you.

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Submitted on: 3/23/2015 Testimony for HSH on Mar 24, 2015 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Joane Cariaga	Individual	Support	No

Comments:

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Submitted on: 3/23/2015 Testimony for HSH on Mar 24, 2015 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jocelyn Peregrino de la Cruz	Individual	Support	No

Comments: It is not common that a married couple to live long together. If they are lucky to live long together please accommodate them because we don't when the other will go. Give respect to the elderly. If you were in their position how would you feel. Pass a law that make sense. Thank you.

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Arlene Hanks CCFFH Jonathan & Arlene Hanks 44-124 Mikiola Drive Kaneohe Hawaii, 96744

March 17, 2015 HOUSE OF REPRESENTATIVES THE TWENTY-EIGHTH LEGISLATURE REGULAR SESSION OF 2015

COMMITTEE ON HUMAN SERVICES AND HOUSING

Senator Suzanne Chun Oakland, Chair Senator Josh Green, Vice Chair

Hearing on HB 600

DATE:	Tuesday, March 24, 2015
TIME:	1:20 pm
PLACE:	Conference Room 016
	State Capitol
	415 South Beretania Street

Testimony:

Aloha, Chair Oakland, Vice Chair Green and Committee members. Thank you for this opportunity to speak. My name is Jonathan P. Hanks, My wife Arlene and I run a Community Care Family Foster Home. My wife has been a certified CCFFH operator continuously for the last fourteen years. I've been caring for elderly in our home for the last nine years. I am also certified as an Adult Residential Care Home Operator. Adult Residential Care Homes originally began in Hawaii as "Boarding Homes" and they have changed and adapted over time. I believe that caring for Hawaii's Medicaid recipients is everyone's responsibility and should not lie solely on the backs of the CCFFH's. As our elderly population is increasing and the "Baby Boomer" generation is beginning to need care, I feel we need as many options as possible for our elders in long term care. We are currently caring for a veteran who served the United States in the 100th battalion, 442 Regimental Combat Team. He swam in the Natatorium as a teen ager. He was working on the Docks on Nimitz Highway when the Japanese flew over and bombed Pearl Harbor on December 7, 1941. He fought in World War II for the freedoms we enjoy today. His name is Noboru Kawamoto. He has been married for 67 years to his wife Elaine; this is the first time he has been separated from his wife for any long period of time. Marriage is a fundamental right and there is no legitimate reason to keep this couple apart. Both Noboru and Elaine wish to be together in happiness and live out what time they have together at our Community Care Family Foster Home in their home town of Kaneohe. Please pass this Bill HB 600, and allow 2 private pay clients in the same CCFFH. I stand in Strong support of HB 600. I humbly thank this Committee for this opportunity to be heard.

Jonathan P. Hanks

Submitted on: 3/23/2015 Testimony for HSH on Mar 24, 2015 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jonnel Jularbal Salom	Individual	Support	No

Comments: Private pay couple should stay in one home together unless they choose not to.

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Submitted on: 3/23/2015 Testimony for HSH on Mar 24, 2015 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jopher Salom	Individual	Support	No

Comments:

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Submitted on: 3/23/2015 Testimony for HSH on Mar 24, 2015 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Maile Jane E. Cariaga	Individual	Support	No

Comments:

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From:	mailinglist@capitol.hawaii.gov
To:	HSH Testimony
Cc:	cariagacora@yahoo.com
Subject:	Submitted testimony for HB600 on Mar 24, 2015 13:20PM
Date:	Monday, March 23, 2015 10:29:59 AM

Submitted on: 3/23/2015 Testimony for HSH on Mar 24, 2015 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Maria Corazon E. Cariaga	Individual	Support	No

Comments: I strongly agree for this HB600 to be pass by to respect the rights and privileges of these individuals who needed to be cared for in the setting of Community Care Foster Family Home that they will choose to be their last house to continue what they had promised to each other when they tied up their knots, "till death do us part. Therefore, I am begging the committees in charge to please help these couples to live together in the same CCFFH provider's house to have the tender loving care and the dignity they deserve . Thank you, Cora Cariaga. (BIAFHO)

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From:	mailinglist@capitol.hawaii.gov
To:	HSH Testimony
Cc:	jonathan hanks@yahoo.com
Subject:	*Submitted testimony for HB600 on Mar 24, 2015 13:20PM*
Date:	Tuesday, March 17, 2015 5:39:02 PM

Submitted on: 3/17/2015 Testimony for HSH on Mar 24, 2015 13:20PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Noboru Kawamoto	Individual	Support	Yes

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Norma Camper	Individual	Support	No

Comments: HB600 will make couple more comfortable in the the company of each if they live together in one home during the last days of their lives. We should give respect and dignity to our elderly. Thank you.

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Submitted By	Organization	Testifier Position	Present at Hearing
Romeo Salom Sr.	Individual	Support	No

Comments:

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Submitted By	Organization	Testifier Position	Present at Hearing
Romeo Salom Jr.	Individual	Support	No

Comments:

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