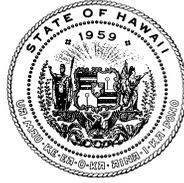


SB530

Measure Title:	MAKING AN APPROPRIATION FOR THE OFFICE OF THE LONG-TERM CARE OMBUDSMAN PROGRAM.
Report Title:	Long-term Care Ombudsman; Long-term Care Ombudsman Program; Appropriation; Kupuna Caucus (\$)
Description:	Appropriates \$150,000 to the office of the long-term care ombudsman to support the long-term care ombudsman on Oahu and provide funds for contracted services through the office of the long-term care ombudsman in the counties of Hawaii, Kauai, and Maui.
Companion:	<u>HB610</u>
Package:	Kupuna Caucus
Current Referral:	CPH/HMS, WAM
Introducer(s):	IHARA, GREEN, NISHIHARA, K. RHOADS, Baker, S. Chang, Espero, Galuteria, Harimoto, Inouye, K. Kahele, Keith-Agaran, Kim, Riviere, Ruderman

DAVID Y. IGE
GOVERNOR OF HAWAII



TERRI BYERS
DIRECTOR

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
EXECUTIVE OFFICE ON AGING
NO. 1 CAPITOL DISTRICT
250 SOUTH HOTEL STREET, SUITE 406
HONOLULU, HAWAII 96813-2831
eoa@doh.hawaii.gov

**COMMENTING on SB530
MAKING AN APPROPRIATION FOR THE OFFICE OF THE LTC OMBUDSMAN
PROGRAM**

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
SENATOR ROSALYN H. BAKER, CHAIR
SENATOR CLARENCE K. NISHIHARA, VICE CHAIR

COMMITTEE ON HUMAN SERVICES
SENATOR JOSH GREEN, CHAIR
SENATOR STANLEY CHANG, VICE CHAIR

Testimony of Terri Byers
Director, Executive Office on Aging
Attached Agency to the Department of Health

Hearing Date: February 1, 2017,
2:45 p.m.

Room Number: 016

- 1 **Office Testimony:** The Executive Office on Aging (EOA) would like to provide comments on
- 2 SB530. We support the intent of this measure provided that its enactment does not reduce or
- 3 replace priorities within the Administration's executive biennium budget.
- 4 **Fiscal Implications:** This measure appropriates \$150,000 for the Long Term Care Ombudsman
- 5 Program (LTCOP) to include a position on Oahu and contracted services on the neighbor islands.
- 6 **Purpose and Justification:** EOA notes that funding for the LTCOP is a priority of the Ige
- 7 Administration. Governor David Ige's Executive Biennium Budget proposes a \$100,000
- 8 appropriation for the LTCOP. It would provide for three \$25,000 neighbor island contracts to
- 9 support long term care facility visits, counseling and/or investigating complaints, volunteer

1 coordination activities and trainings and \$25,000 for program operating expenses (e.g. travel,
2 mileage, postage, etc.).

3 The Long Term Care Ombudsman Program (LTCOP) is operated within the Executive Office on
4 Aging, the designated State Unit on Aging and recipient of Older American's Act grant funding.
5 Title VII of the Older American's Act, the LTCOP, partially funds two positions within the
6 Executive Office on Aging. One position functions as the State Long Term Care Ombudsman
7 and the other as the LTCOP volunteer coordinator. As the Title VII grant award is minimal, the
8 Executive Office on Aging uses other resources to offset the salaries of the two positions and
9 provide for a small operating budget.

10 With limited program resources, our LTCOP does not meet national standards/requirements.

11 Should there be a surplus of funds available to fund a full time State civil service LTCOP staff
12 position for Oahu that is not a part of the Governor's budget request, we would be supportive as
13 it will better improve the efficiency of the LTCOP and better meet national requirements.

14 Additional funding will enable us to better secure the safety of older adults in Hawaii's care
15 facilities.

16 EOA continues to examine ways to improve the efficiency of the LTCOP and meet federal
17 program requirements. Without additional funding, the LTCOP will continue be out of
18 compliance with federal mandates.

19 **Recommendations:** We support advancing this bill provided that its enactment does not reduce
20 or replace priorities within the Administration's budget request.

21 Thank you for the opportunity to testify.

Committee on Commerce, Consumer Protection, and Health

Sen. Rosalyn H. Baker, Chair
Sen. Clarence K. Nishihara, Vice Chair

Committee on Human Services

Sen. Josh Green, Chair
Sen. Stanley Chang, Vice Chair

SB 531 Making an Appropriation for the
Office of the Long-Term Care Ombudsman Program

Conference Room 016, 2:45 p.m.
February 1, 2017

Testimony of John G. McDermott, LSW, ACSW, M.Div.
State Long Term Care Ombudsman
In strong support of SB 530

Purpose of SB530: To **restore** the Ombudsman Specialist for Oahu – which was established by the Legislature in 1979 – and to provide funding to contract three part-time Ombudsmen for Kauai, Maui and Hawaii counties.

Good afternoon, Chairs Baker and Green, Vice Chairs Nishihara and Chang and members of the joint committees,

My name is John G. McDermott and I have been the State Long Term Care Ombudsman (SLTCO) since August 4, 1998 (almost 19 years). In 1975 Hawaii was one of the first states to initiate the *Nursing Home Ombudsman Demonstration Pilot*. At that time nursing homes (NH) were the only long term care facilities around. Now in Hawaii we also have assisted living facilities (ALF), adult residential care homes (ARCH), expanded adult residential care homes (E-ARCH) and community care family foster homes (CCFFH).

Because of its success, in 1978 the Older Americans Act (OAA) was amended to require that all states have an Office of the Long Term Care Ombudsman Program. In 1979 HRS 349 was amended to conform with federal law and finally in 2007 section 21-25, part III was added to HRS 349 officially establishing in Hawaii an Office of the Long Term Care Ombudsman Program.

While federal and state law requires an Office of the Long Term Care Ombudsman Program, there are no staffing requirements. It's clear, however, one SLTCO cannot provide "timely and regular access to the LTCOP services" for the current 12,340 long term care residents in Hawaii - as the law requires. Hawaii is now the ONLY state with only ONE ombudsman to meet the needs of this federally and state mandated Program.

The National Institute of Medicine's 1995 report, *Real People, Real Problems: An Evaluation of the Long-Term Care Ombudsman Programs of the Older Americans Act* recommends **at a minimum** 1 ombudsman per 2,000 residents.

- Hawaii has 1 ombudsman per 12,340 residents.

- National average is 1 ombudsman to 2,208 beds.

This study was done at a time when most residents were in nursing homes. Today's residents live in many different types of facilities (and in Hawaii on 6 different islands) so the logistics are more complicated and require greater staffing.

The OAA mandates all residents *"have regular and timely access to the LTCOP services."* AOA/Administration on Community Living (ACL) interprets this as "every resident is visited quarterly." Our 12,340 residents currently live in 1,702 facilities. A quarterly visit would require **28 facility visits a day!**

Kauai has 5 NHs, 1 ALFs, 19 CCFFHs and 15 ARCHs or 40 LTC facilities with 601 beds. The current annual cost to make quarterly visits to Kauai is \$16,800.

Maui has 4 NHs, 1 ALFs, 50 CCFFHs and 15 ARCHs or 70 LTC facilities with 808 beds. The current annual cost to make quarterly visits to Maui is \$25,200.

Hawaii has 9 NHs, 1 ALFs, 125 CCFFHs and 52 ARCHs or 187 LTC facilities with 1,676 beds. The current annual cost to make quarterly visits to Hawaii is \$64,800.

Oahu has 32 NHs, 11 ALFs, 951 CCFFHs and 411 ARCHs or 1,405 LTC facilities with 9,255 LTC beds. The current annual cost to make quarterly visits to Oahu depends on the price of gas so hard to calculate but high.

The total travel costs alone to the Neighbor Islands are approximately \$106,800 and would require 1,892 trips. My total operating budget is only \$30,400. Also please note Neighbor Island residents pay the same federal and state taxes as Oahu yet they have never had the same "regular and timely access to services" provided by the LTCOP.

It should be clear to everyone this Program has never been adequately funded or staffed and this must be corrected. In the recent reorganization of the Executive Office on Aging the Ombudsman Specialist position for Oahu was eliminated making my job impossible. Little thought was given as to how this would impact our seniors or the effectiveness of this Program.

The LTCOP tries to protect our most vulnerable, and often hidden from sight, kupuna. It should not be confused with Adult Protective Services or the Department of Health licensing agency. APS only investigates cases of abuse or neglect and they have a screening process to weed out callers. DOH focuses mostly on annual inspections and then they are gone. Yes, they also investigate complaints but only the LTCOP is there to prevent problems, to work with residents, family and staff to make the facility better, to provide support and protection to the residents, as well as investigating complaints, by visiting at least once a quarter.

Please support this bill.

Mahalo for giving me this opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 1:33 PM
To: CPH Testimony
Cc: deborah.stone-walls@co.maui.hi.us
Subject: *Submitted testimony for SB530 on Feb 1, 2017 14:45PM*

SB530

Submitted on: 1/31/2017

Testimony for CPH/HMS on Feb 1, 2017 14:45PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Stone-Walls	Maui County Office on Aging	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, 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.

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The Senate
Committee on Commerce, Consumer Protection and Health
Committee on Human Services
Wednesday, Feb. 1, 2017
2:45 p.m.
Conference Room 016

To: Senator Rosalyn Baker, Chair
Senator Josh Green, Chair

RE: **SB 530 RELATING TO AN APPROPRIATION FOR THE OFFICE OF LTC OMBUDSMAN PROGRAM**

I am Audrey Suga-Nakagawa, Advocacy Director for AARP Hawaii. AARP is a membership organization of people age fifty and over with nearly 150,000 members in Hawaii. AARP advocates for issues that matter to Hawaii families, including the high cost of long-term care; access to affordable, quality health care for all generations; providing the tools needed to save for retirement; and serving as a reliable information sources on issues critical to people over the age of fifty.

I appreciate the opportunity to testify in **strong support** of SB 530 to appropriate funding to the Office of the Long Term Care Ombudsman. This office is grossly understaffed to respond and investigate complaints and concerns of long term residents who reside in Hawaii's long term care facilities. There is currently one ombudsman and eight ombudsman volunteers responsible to visit residents in Hawaii's 1,702 facilities which include adult residential care homes, foster care homes, assisted living and nursing homes. This breaks down to 1,405 long term care facilities on Oahu, 40 on Kauai, 70 on Maui and 187 facilities on the Big Island of Hawaii. It takes a herculean effort to provide regular visitation and timely response to these residents' concerns and needs. With over 12,000 residents in our long term care residential facilities, there should be six full time ombudsmen based on the minimum staffing ratio of 1 ombudsman to every two-thousand residents according to the 1995 Institute of Medicine's recommendation.

The requested appropriation provides the necessary funding to contract and staff additional ombudsman in each county including Oahu, who can address our vulnerable residents' needs and concerns in the most expedient manner. Thank you for the opportunity to testify in support for SB 530.

Audrey Suga-Nakagawa, Advocacy Director, AARP Hawaii



LEGISLATIVE TESTIMONY

**COMMITTEE: Senate Committee s on Consumer Protection & Health
and Human Resources**

DATE: Friday, January 27, 2017

TIME: 2:45 pm

PLACE: Conference Room 016

**RE: SB 530 MAKING AN APPROPRIATION FOR THE OFFICE OF THE LONG-
TERM CARE OMBUDSMAN PROGRAM (CPH/HMS, WAM)**

KOKUA COUNCIL POSITION: STRONGLY SUPPORT

Chairs Baker and Green, Members of the Committee

Kokua Council strongly supports more funding for this program. Consumer protection for the most vulnerable among our elderly is essential. This program has for several years been underfunded. This is especially true of its permanent staff, and its capacity to recruit and train volunteers on the Neighbor Islands.

Kokua Council points out that the proposed appropriation may not be enough to ensure that elders residing in residential facilities are appropriately protected, and that all services are of the highest quality.

Kokua Council respectfully suggests that your committee, and subsequently WAM, consider increasing the appropriate as suggested in this bill.

Mahalo for your sincere consideration of our testimony.

Prepared by Jim Shon on behalf of Kokua Council.

The **Kokua Council** is one of Hawaii's oldest advocacy groups. Kokua Council seeks to empower seniors and other concerned citizens to be effective advocates in shaping the future and well-being of our community, with particular attention to those needing help in advocating for themselves. We meet monthly at Hawaii United Methodist Church.



Kokua Council is an advocacy group basing its policy recommendations on the type of information summarized below. Also see Demographic profile:

http://uhfamily.hawaii.edu/publications/brochures/477d1_Hawaii's%20Older%20Adults%20-%20A%20Demographic%20Profile%20HZ%2009-13-16%20v2.pdf

- In 2010, persons aged 60 and over made up 20.6% of the state's population. This share is projected to increase to 28.5% by 2040.
- In Hawaii, 35% of those aged 60 or older live alone.
- By 2020, 40% of Hawaii's workforce will be providing care for older parents.
- Family caregivers provide 70% of all care for frail elderly persons.
- Forty percent of Hawaii workers do not have access to a single day of leave from work for family caregiving.
- There are approximately 12,000 residents of nursing and other residential care facilities.
- The Long-Term Care Ombudsman, with a staff of one, serves all 12,000, or a staff to resident ratio that is six times the recommended ration of one for every 2,000.
- In Hawaii, 46% of the long-term care beds are in small community residential care homes (1,630), and 54% in larger nursing and assisted living facilities.
- The state faces a shortage of eldercare workers and currently many people entering these jobs have no formal training in gerontology.
- In 2016, the cost of home health care in Hawaii was almost \$10,000 higher than the national average.
- The Alzheimer's Association projects that in 2025 ten percent of all Hawaii residents age 65 and over will have been diagnosed with Alzheimer's disease.

The **Kokua Council** is one of Hawaii's oldest advocacy groups. Kokua Council seeks to empower seniors and other concerned citizens to be effective advocates in shaping the future and well-being of our community, with particular attention to those needing help in advocating for themselves. We meet monthly at Hawaii United Methodist Church.

William Beadle
1720 Ala Moana, 1406A
Honolulu, HI 96815

To: Senate Committee on Commerce, Consumer Protection and Health, Senator Rosalyn Baker, Chair

Date: February 1, 2017

RE: Senate Bill 530

The purpose of this correspondence is to express my **strong support for SB 530**, which provides funding to expand the Long Term Care Ombudsman program. I have some personal knowledge of the need for this expansion. Over the past seven years I watched as my older sister Mary acted as ombudsman to her husband who was afflicted with Alzheimer's disease. Tom was lucky to have Mary oversee the care he received as he went in and out of various facilities until his passing this past year. She told me of the struggles she had in assuring that his care was the best each facility could offer, her constant vigilance assured that his final years were healthy and comfortable. What if Mary hadn't been there for her husband? Who would have looked out for his interests?

In Hawaii, the Long Term Care Ombudsman helps to fulfill that role, acting on behalf of those that do not have the constant support of family or friends. Currently, there are over 12,000 people residing in over 1,700 facilities across the Hawaiian Islands. There is only one ombudsman to provide oversight and advocacy in the entire state. That is why I am in support of SB 530, additional funding will allow for the expansion of services to this population.

Thank you for the opportunity to express my support for SB 530.

Aloha, Bill Beadle

Waikiki

To: Senate committee on Human Services, Senator Joshua Green, Chair

Date: Friday, January 27, 2017, 2:45 p.m.

Re: SB 530, Making an Appropriation for the Office of the Long-Term Care Ombudsman Program.

Chair Green, Vice Chair Chang and members of the committee:

My name is T. J. Davies Jr. and I am writing in STRONG SUPPORT of SB 530, Making an Appropriation for the Office of the Long-Term Care Ombudsman Program.

I am an advocate for Kupuna issues and I am writing to ask for your support for the State Long Term Care Ombudsman Program.

The EOA re-organization in 2015 eliminated the Ombudsman Specialist Position which covered Oahu. LTCO has no time for the three Neighbor Island Counties if now required to cover Oahu. This is Federal and State mandated state-wide program but no resources are provided from DOH/EOA or the Hawaii Legislature to do this.

DOH and the Senate and House Health Committees have refused to fund LTCOP staff, i.e., three Ombudsman for the three Neighbor Island Counties, for multiple legislative sessions over many years, notwithstanding that The Institute on Medicine 1995 report “Real People Real Problems: An Evaluation of the Long Term Care Ombudsman Programs of the Older Americans Act” recommended a minimum of one full time paid Ombudsman for every 2,000 residents. By that criteria, the LTCOP should be a staff of six (6) for the 12,340 residents in Hawaii’s 1,702 “long-term care facilities.

Again, DOH and the Senate and House Health Committees have refused to fund LTCOP staff, i.e., three Ombudsmen for the three Neighbor Island Counties, for multiple legislative sessions over many years. By this criteria, in a 13 week period of five (5) working days (with no holidays or sick days) it would require 25 facilities per day to be visited, which would be impossible even if all 25 were located in the same geographical area instead of being scattered throughout four Counties and multiple islands.

T. J. Davies Jr., Volunteer
Treasurer, AARP Chapter 60 Honolulu
Treasurer, Kokua Council for Senior Citizens of Hawaii Education Fund
Director, Hawaii Alliance for Retired Americans
Kakaako (District 26 / Senate District 12)

ARNE WERCHICK

Attorney, retired (formerly California State Bar 1965-2015)
76-187 Kamehamalu Street
Kailua Kona, Hawaii 96740
ArneWerchick@gmail.com
Telephone: 415-779-2763
Facsimile: 760-981-7739

January 30, 2017

Senate Committee on Commerce, Consumer Protection and Health
Senator Rosalyn Baker, Chair

Re: Senate Bill 530 (Long-Term Care Ombudsman)

Hearing Date: February 1, 2:45 p.m.

Dear Chair Baker and Committee members:

I write in strong support of Senate Bill 530 which provides a very modest appropriation to support the vitally important Long-Term Care Ombudsman Program. I believe I am qualified to comment on this legislation because, before becoming a full-time resident on the Big Island, for the last ten years of my fifty-year career as a civil attorney in California I concentrated on issues directly affecting seniors with emphasis on residential and health care matters. I was Special Counsel for California Advocates for Nursing Home Reform (CANHR) and in that capacity -- among other cases -- was *amicus curiae* attorney in *State Department of Public Health v. Superior Court, Center for Investigative Reporting* (California Supreme Court, 2015) __ Cal.4th __ (S214679), affirming the public right to full disclosure of citations for adverse events at long-term health care facilities. I am generally familiar with the federally-prescribed Long-Term Care Ombudsman Program.

The long-term care ombudsman is frequently the last asset available to seniors both residing in care facilities and in the community when confronted with troubling issues. Considering that this senior population is among our most vulnerable and helpless citizens, such assistance can be life-saving and often mean the difference between quality living and misery. According to data provided by the federal Administration on Aging (most recent figures available for FY 2013), nationally ombudsmen resolved or partially resolved 73% of all complaints to the satisfaction of the resident or complainant, while visiting 70% of all nursing homes and 29% of all board and care, assisted living and similar homes at least quarterly.

Senator Rosalyn Baker, Chair
January 30, 2017
Re: Senate Bill 530 (support)
Page Two

The types of problems commonly encountered included improper eviction or inadequate discharge/planning; unanswered requests for assistance; lack of respect for residents; administration and organization of medications; issues of quality, quantity or choice of food; or building or equipment which was in disrepair or hazardous. Ombudsmen can address such issues promptly and directly and without the need for financially-pressed seniors to try to obtain legal assistance. It is a vital service and deserves unqualified support.

I am pleased to add my voice in strong support of Senate Bill 530 which is a comparatively small appropriation for a very valuable program which without doubt provides essential help for our senior community.

- Arne Werchick

ArneWerchick@gmail.com
76-187 Kamehamalu Street
Kailua-Kona, Hawaii 96740-8996
tel: 415-779-2763

January 31, 2017

To:

Senate Committee on Commerce, Consumer Protection, and Health, Senator Rosalyn Baker, Chair
Senate Committee on Human Services, Senator Josh Green, Chair

RE: **SB 530** Relating to Human Services

Hearing Date: February 1, 2017

Most Honorable Chair Baker and Committee Members:

Most Honorable Chair Green and Committee Members:

I support this measure to appropriate \$150,000 to the office of the long-term care ombudsman on Oahu to support this office and provide funds for contracted services for the the counties of Hawaii, Kauai and Maui.

Currently, the Long Term Care Office has **one** Ombudsman to handle the needs of a population totaling over 12,000 in the State of Hawaii. One person cannot handle the amount of requests by phone and the counseling time needed for daily inquiries for persons who may be in physical harm or have no one to turn to oversee their care.

Usually a need is an immediate need for advocacy and assistance. To best serve our kupuna, additional funds are needed for staffing and services to be able to address the needs of the long-term care residents of our state.

Many Kupuna in Long-Term Care pinched pennies to survive.

As guardians of our Kupuna, we cannot be pinching pennies on their care.

It is pono for our community leaders to find a way to support their needs in the Ombudsman Office.

I ask you to support this measure – SB 530 - and thank you for the opportunity to submit testimony on behalf of the seniors who have special needs.

Respectfully submitted,
Christine Olah
Honolulu Resident

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 10:46 AM
To: CPH Testimony
Cc: glcasburn@gmail.com
Subject: Submitted testimony for SB530 on Feb 1, 2017 14:45PM

SB530

Submitted on: 1/31/2017

Testimony for CPH/HMS on Feb 1, 2017 14:45PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Geoffrey Casburn	Individual	Support	No

Comments: Recent reported problems at Legacy in Hilo point to the need for prompt review of reported problems. I strongly support SD 531 as a means of improving our State's ability to meet the needs of our kupuna in long-term care facilities.

Please note that testimony submitted less than 24 hours prior to the hearing, 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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Aloha Chair Baker, Vice Chair Nishihara, Chair Green, Vice Chair Chang and committee members

I am a senior citizen and a resident of House District 19 and Senate District 9. Though I'm a member of several senior organizations, I am submitting this testimony as an individual.

I'm testifying in strong support of SB530, an appropriation to the Department of Health for the Long-Term Care Ombudsman program.

This program is responsible for monitoring the more than 12,000 individuals, on six islands, who are in community care homes, adult residential homes and foster family homes. Currently, the program staff consists of only person, who is supposed to visit these persons four times each year. This is impossible.

Increased funding will provide staff on the neighborhood islands who can visit patients and respond to complaints in a timely manner.

Please approved the \$150,000 appropriation for the Office of the Long-Term Care Ombudsman program.

Thank you for the opportunity to testify.

Barbara J. Service

TO: Senate Committee on Commerce, Consumer Protection and Health, Senator Rosalyn Baker, Chair and Senate Committee on Human Services, Senator Josh Green, Chair

FROM: Barbara Dove, 1720 Ala Moana Blvd. #1406A, Honolulu

DATE: Feb. 1, 2017 at 2:45 PM in Conference Room 016

RE: SB530 Making an Appropriation for the Office of the Long-Term Care Ombudsman Program

Chairs Baker and Green and Committee Members,

Thank you for the opportunity to submit written testimony in support for SB530, requesting funding for a full-time Long-Term Care Ombudsman Program on Oahu and part-time positions for Maui, Kauai and Hawaii Counties. **I strongly support this bill and would appreciate your support.**

My name is Barbara Dove and I am a concerned resident of Hawaii. I am concerned about the availability of services when I need them and with my fellow Hawaiian neighbors needing assistance now. Supporting these position would provide much needed assistance to our kupuna. Just being able to engage a volunteer base to assist the community would be a huge help. These volunteers can assist the caregivers with a variety to needs and services.

Thank you very much for the opportunity to submit my testimony and I urge you to support SB 530.

Sincerely,

Barbara Dove

Waikiki

(808) 282-7207