

MAR 09 2018

SENATE RESOLUTION

REQUESTING THAT THE DEPARTMENT OF HEALTH CREATE A WORKING GROUP
TO STUDY UNLICENSED CARE FACILITY ISSUES.

1 WHEREAS, Hawaii is one of the most expensive states for
2 elder care; and

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4 WHEREAS, due to the high cost of elder care, Hawaii
5 residents often face difficult economic decisions when choosing
6 care for elderly or vulnerable adults; and

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8 WHEREAS, it is important to protect the health, safety,
9 civil rights, and rights of choice for elderly or vulnerable
10 adults who are receiving home health care or home care in care
11 facilities or residences; and

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13 WHEREAS, unlicensed care facilities have the potential to
14 be a health risk to elderly or vulnerable adults, and the issue
15 requires further investigation and study in order to protect the
16 consumer interest; now, therefore,

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18 BE IT RESOLVED by the Senate of the Twenty-ninth
19 Legislature of the State of Hawaii, Regular Session of 2018,
20 that the Director of Health is requested to convene a working
21 group to study issues related to unlicensed care facilities; and

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23 BE IT FURTHER RESOLVED that the Director of Health or the
24 Director's designee is requested to convene the first meeting of
25 the working group no later than ninety days prior to the
26 convening of the Regular Session of 2019, and the working group
27 is requested to elect a chairperson from among its members; and

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29 BE IT FURTHER RESOLVED that the working group comprise the
30 following members:

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32 (1) The Director of Health or the Director's designee;
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- (2) A representative of the Department of Commerce and Consumer Affairs;
- (3) A representative of the American Association of Retired Persons;
- (4) A representative of an advocacy group for the elderly that is not the American Association of Retired Persons;
- (5) A representative of an advocacy group for unlicensed care facilities; and
- (6) A representative of an advocacy group for licensed care facilities; and

BE IT FURTHER RESOLVED that the working group is requested to:

- (1) Study the issue of ensuring the safety of elderly or vulnerable adults in care facilities;
- (2) Study the issue of how long it takes for the Department of Health to process care home licensure applications;
- (3) Define what a "care home" is and then differentiate those facilities from all other care facilities;
- (4) Study issues relating to investigating, including gaining entry into, a care home when the Department of Health receives a complaint about the care home;
- (5) Study the issue of ensuring the safety of elderly or vulnerable adults during a transfer from one care facility to another care facility;
- (6) Discuss the establishment of a "quality assurance committee" for care facilities to monitor and evaluate elderly or vulnerable adult care and to identify, study, and correct deficiencies in elderly or vulnerable adult care;



(7) Define what constitutes an "environment of care" and "living environment"; and

(8) Study how to differentiate levels of care; and

BE IT FURTHER RESOLVED that the Department of Health shall provide administrative support for the working group; and

BE IT FURTHER RESOLVED that the chairperson of the working group shall provide written notice of the convening of the working group to the Chairpersons of the House and Senate Standing Committees with primary jurisdiction over consumer protection issues; and

BE IT FURTHER RESOLVED that no later than twenty days prior to the convening of the Regular Session of 2020, the working group shall submit a report that includes its findings and recommendations, including any proposed legislation, to the Legislature; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Director of Health, the Director of Commerce and Consumer Affairs, and the American Association of Retired Persons.

OFFERED BY:

Rossly H. Balm

