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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO EXPLORE WAYS IT CAN  
EXERCISE OVERSIGHT OVER COMMUNITY HEALTH CENTERS AND OTHER  
MEDICAL SERVICE ENTITIES WHEN A DANGER TO THE COMMUNITY'S  
HEALTH EXISTS.

1           WHEREAS, Article IX, section 9 of the Hawaii State  
2 Constitution requires the State to "provide for the protection  
3 and promotion of the public health"; and  
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5           WHEREAS, community health centers, also known as federally  
6 qualified health centers, are the cornerstone of Hawaii's health  
7 care system and provide essential services to the State's most  
8 vulnerable populations; and  
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10           WHEREAS, because community health centers often serve  
11 federally recognized areas where residents face barriers to  
12 getting health care, the State must ensure that these centers  
13 provide proficient medical services to its residents; and  
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15           WHEREAS, recent events have demonstrated the importance of  
16 ensuring that community health centers and other medical service  
17 entities are properly staffed and skillfully managed; and  
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19           WHEREAS, the current coronavirus disease 2019 pandemic has  
20 shown how vulnerable our communities are to a worldwide public  
21 health catastrophe; and  
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23           WHEREAS, community health centers provide critical health  
24 care services and must have the necessary resources to handle  
25 such public health emergencies; and  
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27           WHEREAS, in 2019, the only community health center on the  
28 island of Molokai closed for four days in August due to staff



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1 shortages; specifically, the center did not have a physician on  
2 staff, in violation of federal requirements; and

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4 WHEREAS, the closure of the clinic put at risk the health  
5 and safety of Molokai residents who were unable to see a doctor  
6 or obtain crucial medication; and

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8 WHEREAS, although state officials attempted to investigate  
9 the center following the closure, the health center refused to  
10 cooperate with the investigation; and

11  
12 WHEREAS, other types of medical service entities have also  
13 experienced disturbing incidents, including a high-profile event  
14 involving the death of a child at a Kailua dental practice; and

15  
16 WHEREAS, given these past events and the Hawaii State  
17 Constitution's mandate that the State provide for the protection  
18 and promotion of the public health, it is incumbent upon the  
19 State to study ways to ensure that community health centers and  
20 other medical service entities are providing proficient services  
21 to the communities they serve; now, therefore,

22  
23 BE IT RESOLVED by the House of Representatives of the  
24 Thirty-first Legislature of the State of Hawaii, Regular Session  
25 of 2021, the Senate concurring, that the Department of Health is  
26 requested to conduct a study that explores options for it to  
27 provide better oversight over community health centers, dental  
28 clinics, and other medical service entities; and

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30 BE IT FURTHER RESOLVED that the study is requested to  
31 include:

- 32  
33 (1) A recommendation regarding additional authority that  
34 will enable the Department of Health to adequately  
35 oversee community health centers, dental clinics, and  
36 other medical service entities;  
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38 (2) An overview of other jurisdictions that oversee these  
39 types of medical service entities, and how those  
40 jurisdictions provide oversight;  
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1           (3) A recommendation regarding whether the Governor,  
2           Department of Health, or another entity should have  
3           the authority to order the closure of a medical  
4           service entity, or take control of a medical service  
5           entity, if there is a threat to the health and safety  
6           of the community or if a determination is made that  
7           the medical service entity is not providing proper  
8           medical services; and  
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10          (4) Recommendations for additional staffing and support  
11          for the Department of Health to adequately oversee  
12          medical service entities; and  
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14           BE IT FURTHER RESOLVED that the Department of Health is  
15          requested to submit a report to the Legislature of its findings  
16          and recommendations, including any proposed legislation, no  
17          later than twenty days prior to the convening of the Regular  
18          Session of 2022; and  
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20           BE IT FURTHER RESOLVED that certified copies of this  
21          Concurrent Resolution be transmitted to the Governor and  
22          Director of Health.  
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OFFERED BY: *Lynn DeCosta*  
MAR 12 2021