

STAND. COM. REP. NO.

2501

Honolulu, Hawaii

FEB 18 2022

RE: S.B. No. 2432
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Health and Human Services, to which was referred S.B. No. 2432 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clearly define the group of professionals who are prohibited from knowingly referring or transferring patients to an uncertified or unlicensed care facility;
- (2) Repeal the exclusion for landlords from licensing requirements under certain conditions; and
- (3) Require the Department of Health to prioritize complaint allegations based on severity for inspections of state-licensed or state-certified care facilities.

Your Committees received testimony in support of this measure from the Department of Health, Executive Office of Aging, and one individual. Your Committees received testimony in opposition to this measure from the Hawaii Substance Abuse Coalition. Your Committees received comments on this measure from the Department of Human Services.



Your Committees find that there are a number of complaints about unlicensed care homes and facilities in the State that pose significant health risks to their elderly and vulnerable residents. The Department of Health has seen a growing number of unlicensed care homes masquerading as rental homes with several unrelated tenants all requiring care services. These unlicensed care homes usually meet the definition of residential care home, but the owners cite the landlord exclusion clause allowed by statute. This measure closes that loophole by repealing the landlord exclusion and expands the group of professionals who are prohibited from knowingly referring or transferring patients to unlicensed care facilities.

Your Committees acknowledge the testimony of the Department of Health, which requested amendments to make this measure consistent with existing law. Your Committees also note that this measure as written could encompass those persons who are acting in their individual capacities.

Therefore, your Committees have amended this measure by:

- (1) Replacing the word "fine" with "administrative penalty" for consistency with existing law;
- (2) Clarifying that persons acting in their individual capacities are not subject to this measure;
- (3) Inserting an effective date of January 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2432, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2432, S.D. 1, and be referred to your Committees on Commerce and Consumer Protection and Judiciary.



Respectfully submitted on
behalf of the members of the
Committees on Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair

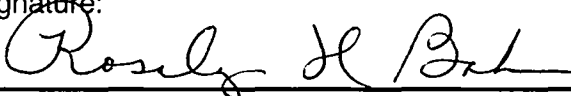


JARRETT KEOHOKALOLE, Chair



The Senate
Thirty-First Legislature
State of Hawai'i


**Record of Votes
Committee on Health
HTH**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2432	HTH / HMS, CPN / JDC	2-10-2022		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
MORIWAKI, Sharon Y.				✓
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt				✓
TOTAL	3	-	-	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* SB 2432	Committee Referral: HTH/HMS, CPN/JDC	Date: 02/10/2022		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
IHARA, Jr., Les (VC)	✓			
ACASIO, Laura	✓			
MISALUCHA, Bennette E.	✓			
FEVELLA, Kurt				✓
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes