

STAND. COM. REP. NO.

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Honolulu, Hawaii

, 2023

FEB 09

RE: H.B. No. 914
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health & Homelessness, to which was referred H.B. No. 914 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Clarify who is prohibited from knowingly referring or transferring patients to an uncertified or unlicensed care facility;
- (2) Repeal the provision that a landlord, under specified conditions, shall not be deemed to be providing home care services or operating a care facility that requires a license; 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 Committee received testimony in support of this measure from the Department of Health, Kūpuna Caucus of the Democratic Party of Hawai'i, Adult Foster Homecare Association of Hawaii, Community Homecare Association of Hawaii, Alliance of Professional Primary Care Administrators, United Caregivers Hawaii, Provider

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Helping Hands of Hawaii, and six individuals. Your Committee received testimony in opposition to this measure from the Hawaii Substance Abuse Coalition and two individuals. Your Committee received comments on this measure from the Department of Human Services and one individual.

Your Committee finds that there are nearly two thousand licensed legal long-term care facilities serving approximately thirteen thousand residents. However, there are many care facilities that have closed and others that operate without a license or certification by the Department of Health. Your Committee further finds that the prevalence of unlicensed care homes and facilities in the State continues to pose significant health and consumer protection issues for Hawaii's elderly and vulnerable populations. Licensed care home operators and other persons are still referring or transferring patients to unlicensed care homes and facilities, unbeknownst to the patient. This illegal practice has cost some patients thousands of dollars due to denied insurance reimbursements and endangers patients' health and safety. This measure bolsters the enforcement activities of the Department of Health to protect the health, safety, and welfare of the State's elderly and vulnerable populations.

Your Committee has amended this measure by:

- (1) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that it has concerns that the term "health care or human services community" may be overly broad. Should this measure advance through the legislative process, further consideration should be given to a more narrowly tailored term.

As affirmed by the record of votes of the members of your Committee on Health & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 914, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 914, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.



Respectfully submitted on
behalf of the members of the
Committee on Health &
Homelessness,

Allen A. Belatti

DELLA AU BELATTI, Chair



