

STAND. COM. REP. NO.

1265

Honolulu, Hawaii

MAR 22 2023

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

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred H.B. No. 914, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Department of Health to prioritize investigations of complaints against state-licensed or state-certified care facilities based on the degree of severity of the allegations;
- (2) Clarify that any person, corporation, or any other entity in the health care or human services community is prohibited from knowingly referring or transferring patients to an uncertified or unlicensed care facility; and
- (3) Repeal existing law providing 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.

Your Committee received testimony in support of this measure from the Adult Foster Homecare Association of Hawaii, United



Caregivers of Hawaii, Community Homecare Association of Hawaii, Alliance of Professional Primary Care Administrators, Provider Helping Hands of Hawaii, and four individuals. Your Committee received testimony in opposition to this measure from the Hawaii Substance Abuse Coalition and one individual. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that uncertified or unlicensed long-term care facilities in the State endanger the health and safety of the State's elderly and vulnerable populations, as these facilities charge excessive amount of fees to its patients, but are not required to follow health and consumer protection regulations. Your Committee finds, however, that certain licensed care home operators and other persons continue to refer or transfer patients to these facilities, unbeknownst to the patients. Your Committee also finds that certain unlicensed care homes are abusing existing provisions of law that excludes certain landlords from licensing requirements to avoid the Department of Health's regulatory oversight. This measure will bolster the Department of Health's enforcement activities to protect the health, safety, and welfare of the State's elderly and vulnerable populations.

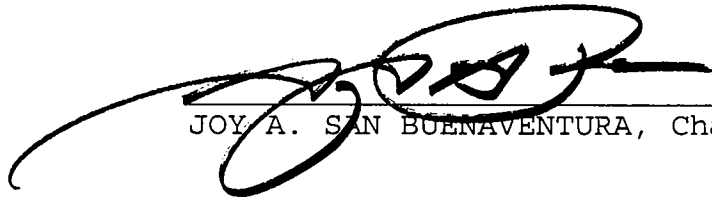
Your Committee has amended this measure by:

- (1) Repealing the provision in existing law that requires the Department of Health to conduct unannounced visits and inspections, including inspections for relicensing or recertification, of state-licensed special treatment facilities;
- (2) Clarifying that any person, corporation, or any other entity that provides health care or human services is prohibited from knowingly referring or transferring patients to an uncertified or unlicensed care facility;
- (3) Amending section 1 to reflect its amended purpose;
- (4) Inserting an effective date of June 30, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



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



JOY A. SAN BUENAVENTURA, Chair



The Senate  
Thirty-Second Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Health and Human Services**  
**HHS**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB914 HD1	HHS, CPN / JDC	03/13/23		
<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)	✓			
AQUINO, Henry J.C. (VC)	✓			
MORIWAKI, Sharon Y.	✓			
SHIMABUKURO, Maile S.L.	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	<b>5</b>			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original                Yellow                Pink                Goldenrod File with Committee Report                Clerk's Office                Drafting Agency                Committee File Copy				

\*Only one measure per Record of Votes