STAND. COM. REP. NO. 479

Honolulu, Hawaii

FEB 1 7 2023

RE: S.B. No. 1378 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 S.B. No. 1378 entitled:

"A BILL FOR AN ACT RELATING TO UNLICENSED CARE HOMES,"

begs leave to report as follows:

The purpose and intent of this measure is to expand protections for vulnerable senior citizens, the public at large, and residents of care homes by:

- (1) Clarifying that any person, corporation, or entity is prohibited from knowingly referring or transferring patients to an uncertified or unlicensed care facility; and
- (2) Repealing the landlord exclusion.

Your Committee received testimony in support of this measure from the Department of Health and Alliance of Professional Primary Care Administration.

Your Committee finds that investigations by the Department of Health have revealed numerous unlicensed care homes in the State, which pose a danger to the public and to frail, elderly, and vulnerable populations. However, licensed care home operators continue to refer or transfer patients to unlicensed care homes unbeknownst to patients. Additionally, at least twenty-one

unlicensed care homes have used the landlord exclusion to avoid the Department of Health's consumer protections through its regulatory oversight. This measure promotes the quality of care for the public by expanding the Department of Health's ability to investigate complaints and take appropriate enforcement actions.

Your Committee has amended this measure by 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 S.B. No. 1378, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1378, 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,

The Senate Thirty-Second Legislature State of Hawai'i

Record of Votes Committee on Health and Human Services HHS

Bill / Resolution No.:*	Committee Referral: HHS, CPN/JDC			Date: 2/13/23	
JB 1378	1117) CF1790C			2113/23	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (Wf	R) Nay	Excused
SAN BUENAVENTURA, Joy A. (C)					
AQUINO, Henry J.C. (VC)		✓			
MORIWAKI, Sharon Y.		V			
SHIMABUKURO, Maile S.L.					V
AWA, Brenton		✓			
		.			
,					
TOTAL		4			/
Recommendation:					
Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original File with Committee Re	Yellow eport Clerk's Office Dra		Pink rafting Age	Goldenrod ncy Committee File Copy	

*Only one measure per Record of Votes