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GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII



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DIRECTOR
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KENNETH FINK, MD, MGA, MPH
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DEPARTMENT OF HEALTH
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Testimony COMMENTING on SB2548

COMMITTEE ON HEALTH AND HUMAN SERVICES
SENATOR JOY SAN BUENAVENTURA, CHAIR
SENATOR HENRY AQUINO, VICE CHAIR
Testimony of Caroline Cadirao
Director, Executive Office on Aging
Attached Agency to the Department of Health

Hearing: WEDNESDAY, JANUARY 31, 2024, 1:00 P.M. ROOM 225

1 **EOA Position:** The Executive Office on Aging (EOA), an attached agency to the Department of
2 Health (DOH) offers comments to this measure.

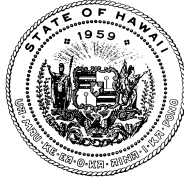
3 **Testimony:** Allows the primary caregiver to be absent from the community care foster family
4 home (CCFFH); provided that the substitute caregiver is present during the absence. This
5 measure extremely **alarming**. It strips any responsibility of the primary caregiver. Those residing
6 in CCFFH are put at **greater risk** when responsibilities of those carrying for these individuals are
7 diminished. We need to keep our kupuna and individuals with disabilities safe!

8 Recommendation: Please defer this measure.

9 Thank you for the opportunity to testify.

10

1 Thank you for the opportunity to testify.



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
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Testimony COMMENTING on SB2458
RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES.

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

Hearing Date, Time and Room Number: Wednesday, January 31, 2024 at 1:00 pm, Room 225

1 **Fiscal Implications:** None

2 **Department Position:** The Department OPPOSES this measure and offers comments.

3 **Department Testimony:** The Office of Health Care Assurance (OHCA) provides the following
4 testimony on behalf of the Department.

5 Thank you for the opportunity to testify in OPPOSITION to this bill. The intent of this bill
6 is to remove the requirement for three (3) bed Community Care Foster Family Home operators
7 to recruit and retain substitute caregivers that have a Certified Nurse Aide certificate to be used
8 to provide coverage when the primary caregiver is absent from the home for over five (5) hours
9 per day, and/or twenty-eight (28) hours per week. This statutory language is specific to three
10 (3) bed homes, and does not apply to two (2) bed homes. In fact, the Department would
11 recommend that not only the existing statutory language be retained, but the statute be
12 amended to include ALL Community Care Foster Family Homes, regardless of number of beds.

13 The Department has significant concerns of the potential removal of this requirement
14 for adequate care coverage. Firstly, all Community Care Foster Family Homes service between
15 two (2) and three (3) skilled nursing level of care individuals. These individuals may or may not
16 be ambulatory, and all individuals require skilled nursing services. Many of the clients in
17 Community Care Foster Family Homes are wheelchair dependent, bedbound, and may be on
18 hospice services. The original intent of the statutory language was to ensure that if the primary

1 caregiver for a three (3) bed Community Care Foster Family Home was to be absent from the
2 home for a long period, that the individual providing coverage would have close to, if not, the
3 same level of medical and clinical competence that the primary caregiver would have. Removal
4 of this requirement could put clients at risk. Secondly, the requirements to be a substitute
5 caregiver are far more lax than a primary caregiver. As it stands, the substitute caregiver needs
6 to be certified by the Department that they have been trained and meet health and background
7 check requirements, however no licensure or certificate is required for the substitute caregiver.
8 If the primary caregiver is planning on being absent for an extended period of time, a medically
9 qualified and certified individual should be utilized.

10 Potential Safety Considerations: The requirements of a substitute caregiver providing coverage
11 for over five (5) hours per day, or more than twenty-eight (28) hours per calendar week are in
12 statute to protect the health, welfare, and safety of the Kupuna in our Community Care Foster
13 Family Homes. Removal of the requirements, would put the Kupuna at risk. If this bill passes,
14 the clinical competence of the caregivers who are providing temporary coverage would not be
15 adequate for the clients that these facilities service.

16 The existing statute already allows primary caregivers to be absent from the three (3)
17 bed Community Care Foster Family Home, but requires them to find competent, trained, and
18 certified caregivers to provide coverage for an extended absence. The Department OPPOSES
19 this bill. However, the Department is willing to discuss possible respite options for Community
20 Care Foster Family Home operators that do not affect the health, safety, and welfare of the
21 clients in their care.

22 Thank you for the opportunity to testify in OPPOSITION of this measure.



COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Joy San Buenaventura, Chair

Senator Henry Aquino, Vice Chair

NOTICE OF HEARING

DATE: Wednesday, January 31, 2024
TIME: 1:00 PM
PLACE: Conference Room 225
State Capitol
415 South Beretania Street

Testimony of Jan Mori
Long-Term Care Ombudsman
In strong opposition to SB 2458

Purpose of SB2458: Allows the primary caregiver to be absent from the community care foster family home; provided that the substitute caregiver is present during the absence.

Good afternoon, Chair San Buenaventura, Vice Chair Aquino and members of the Committee.

My name is Jan Mori and I am the Long Term Care Ombudsman for the State of Hawaii. Part of my job is to advocate for the 3,158 residents living in our Community Care Foster Family Homes.

As I have worked in the long term care profession for over 22 years and visited these homes Statewide, I am writing to urge you to vote against this bill coming before you. I have seen and received complaints from residents and concerned family members saying the substitute caregivers do not understand basic English or commented that the substitute caregiver is a fragile 80-year-old grandmother caring for other aging residents.

This bill will not only decrease the credibility and quality of care of the Community Care Foster Family Homes but reinforce laws regulating these private homes to operate under minimal oversight for the Skilled Nursing home level of care resident.

Continue the high standards of the Nursing home level of care for Community Care Foster Family Homes, with the opposition of forward-thinking public servants like you, we can work toward balanced, long-term solutions to our fragile population in the community.

Mahalo for this opportunity to oppose this bill to speak for the fragile residents and family members unable to testify.



COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Joy San Buenaventura, Chair

Senator Henry Aquino, Vice Chair

NOTICE OF HEARING

DATE: Wednesday, January 31, 2024
TIME: 1:00 PM
PLACE: Conference Room 225
State Capitol
415 South Beretania Street

Testimony of John G. McDermott, LSW, ACSW, M.Div.
State Long-Term Care Ombudsman
In strong opposition to SB 2458

Purpose of SB2458: Allows the primary caregiver to be absent from the community care foster family home; provided that the substitute caregiver is present during the absence.

Good afternoon, Chair San Buenaventura, Vice Chair Aquino and members of the Committee.

My name is John G. McDermott and I have been the State Long-Term Care Ombudsman (SLTCO) since August, 1998. Part of my job is to advocate for the 3,158 residents living in our community care foster family homes.

This is a terrible bill. If you allow the *substitute* caregiver to take on the responsibility of the *primary* caregiver, then words like “primary” and “substitute” no longer have any meaning. Our kupuna need a caregiver who wants to be there, who enjoys providing care, who is more than just the landlord.

We have had residents complain of primary caregivers who had full-time jobs outside the home and left their parents as the substitute caregivers – some couldn’t speak English, some were actually older than the residents themselves with their own physical limitations, and some who left the residents in bed all day until the “primary” caregiver returned home.

After a full 8 hours working somewhere else, the primary caregiver had no energy left and could be intimidating and verbally abusive when the residents asked for anything. These are our most vulnerable kupuna and many no longer have family living in Hawaii who can protect them. Our kupuna are at the mercy of their caregivers so if someone no longer wants to be a caregiver, then surrender your license and do something that makes you happier.

If the real issue is money, I totally agree the current reimbursement for the two Medicaid residents is totally unacceptable and needs to be raised now. If a CCFFH doesn’t have a private pay resident to make up for the financial loss, there is no way they can stay in business so that issue must be addressed but not by allowing caregivers to abandon their responsibility to their residents.

Please oppose this bill. Mahalo for giving me this opportunity to testify.

SB-2458

Submitted on: 1/30/2024 12:41:04 PM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerald Arens	Testifying for Long Term Care Ombudsman Program	Oppose	Written Testimony Only

Comments:

I strongly oppose 2428 SB relating to community care foster family home. The PRIMARY Care provider should NOT be allowed to be replaced with a substitute care giver who then assumes all responsibility of the primary care giver. This would no doubt result in reduced quality of care for residents of these foster homes and directly impact their quality of life. Please do NOT pass this Bill! Thank you!

THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2024

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Joy San Buenaventura, Chair

Wednesday, January 31, 2024

SB 2458 Testimony to OPPOSE

Dear Senator Joy San Buenaventura and Senator Henry Aquino,

My name is James Labrie and I oppose of SB 2458, which allows a primary caregiver to be absent as long as there is a substitute caregiver present.

I oppose this bill because I have lived in a foster home where the primary caregiver was absent and the substitute caregiver was providing care for me, which put me and the others in the home in danger.

I do not agree that the removal of a CNA certification for the substitute caregiver is safe. If there is a person in the home who needs oxygen or has a medical condition that requires a CNA to be licensed to help that person, it would be dangerous if the substitute was not trained to help that person.

Thank you for allowing me to testify in opposition of SB 2458

James Labrie
Ewa, Hawaii

LATE

SB-2458

Submitted on: 1/30/2024 4:58:27 PM

Testimony for HHS on 1/31/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jomel Duldulao	Individual	Oppose	Written Testimony Only

Comments:

Opposing Testimony: Allowing the Primary Caregiver to be Absent from the Community Care Foster Family Home

Good afternoon, Chair San Buenaventura, Vice Chair Aquino, and members of the Committee.

My name is Jomel Duldulao, and I would like to express my **strong opposition** to the proposal of allowing the primary caregiver to be absent from the community care foster family home when caring for our seniors, even if a substitute caregiver is present during their absence. While the intention behind this proposal may be to address potential caregiver burnout or emergencies, I firmly believe that the primary caregiver's continuous presence is crucial for the well-being and stability of our kupuna.

First and foremost, kupuna often requires a consistent and familiar presence to establish trust and comfort in their environment. Having a substitute caregiver can disrupt the established routines and relationships that kupuna develop with their primary caregivers. This change can lead to confusion, anxiety, and a sense of instability for our vulnerable senior population.

Furthermore, the primary caregiver is often the individual who understands the specific needs, preferences, and medical conditions of the kupuna in their care. This intimate knowledge is invaluable in providing personalized and effective care. While substitute caregivers can be trained, they may not possess the same level of familiarity, training, licensing, and understanding as the primary caregiver, potentially compromising the quality of care provided to our kupuna.

Allowing the primary caregiver to be absent from the community care foster family home, even with a substitute present, raises concerns about accountability and oversight. It may be challenging to ensure that substitute caregivers adhere to the same standards, routines, and level of dedication as the primary caregivers. The absence of continuous supervision by the primary caregiver may result in a decline in the quality of care and an increased risk of neglect or oversight in the provision of necessary services.

In addition, the emotional bond between the primary caregiver and the kupuna is often a crucial aspect of their overall well-being. Kupuna may experience feelings of abandonment or loneliness when the primary caregiver is absent, even if a substitute caregiver is present. This

emotional impact can have detrimental effects on the mental health and overall happiness of our kupuna.

In conclusion, while the proposal may be well-intentioned, the potential risks and negative consequences of allowing the primary caregiver to be absent from the community care foster family home, even with a substitute caregiver present, cannot be overlooked. The continuity of care, the safety, the established relationships, and the emotional well-being of our kupuna must be prioritized above convenience or potential caregiver relief. I urge you to reconsider this proposal in the best interest of our kupuna and our most vulnerable residents.

Thank you for your time and consideration.

Sincerely,

Jomel Duldulao