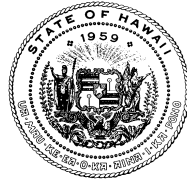


JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII



KENNETH S. FINK, MD, MGA, MPH
DIRECTOR OF HEALTH
KA LUNA HO'ŌKELE

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in OPPOSITION to HCR18
REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A HOSPICE WORKING GROUP TO
EXAMINE TRENDS AND REGULATIONS IN THE HOSPICE INDUSTRY**

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

Hearing Date and Time: FRI., April 17, 2026 @ 1:00 PM

Room Number: 225

1 **Fiscal Implications:** If this workgroup were to be facilitated by the Department of Health
2 (Department), it would require one (1) FTE, funded by General Funds.

3 **Department Position:** The Department of Health, Office of Health Care Assurance (OHCA)
4 recognizes the importance of high-quality hospice care and values hospice providers. We
5 appreciate the intent of this measure, however, an analysis of the private sector hospice
6 industry should not be relying on taxpayer funded resources and public sector subsidies and is
7 best done by the hospice industry itself, such as by its association.

8 **Department Testimony:** The Office of Health Care Assurance (OHCA) provides the following
9 testimony on behalf of the Department. While OHCA has statutory authority to license hospice
10 agencies, we are not currently exercising that authority and therefore do not license hospice
11 agencies at this time. OHCA's role is limited to certification for Medicare purposes, which
12 requires adherence to federal guidelines. Should a workgroup be convened to address industry
13 trends, the Department would not be the appropriate entity to lead it.

14 Although OHCA serves as the State Survey Agency for Medicare certification, our role is
15 regulatory and enforcement-focused. OHCA is not an industry convenor or policy-shaping
16 body. Leading a group aimed at industry trend analysis or potential policy recommendations

1 could create the appearance of influencing the very industry OHCA regulates. Discussions on
2 hospice industry trends, operational challenges, and potential improvements are more
3 appropriately led by the provider community to ensure open, unbiased dialogue. For this
4 reason, we believe industry stakeholders, not a regulatory body, should convene and guide this
5 effort, with OHCA available to participate as needed.

6 Typically, associations convene members to formulate their shared position. Once
7 specific issues are identified, they engage the responsible department to address them. No
8 specific issues regarding regulation of hospice providers have been raised to OHCA. Should
9 hospice providers seek increased regulation and licensure to ensure patient health and safety,
10 OHCA is amenable to working with the association representing hospice providers directly and
11 without the need of a formal workgroup.

12 Thank you for the opportunity to testify on this measure.



April 17, 2026

Senate Committee on Health and Human Services
Sen. Joy San Buenaventura, Chair
Sen. Angus McKelvey, Vice Chair

RE: HCR18, Requesting the Creation of a Hospice Working Group

Chair San Buenaventura, Vice Chair McKelvey, and members of the committee –

Navian Hawaii is a nonprofit organization supporting the needs of Hawai'i's aging population, including through hospice, palliative care, and integrated support services. We appreciate the opportunity to provide testimony **in support of HCR18 with amendments**. This testimony is a revision to the previously submitted draft. We respectfully request to add the following language to the resolution, under the second "be it resolved" clause:

(1) Chairs of House and Senate committees on health or their designees, one of whom shall serve as Chair;

The subsequent list would be renumbered accordingly. We also request to amend subsection (5), as follows:

(5) Five members of hospices in operation in Hawaii~~[since before the year 2000]~~, to be selected and invited to participate by the Chair of the working group~~[Director of Health]~~, as follows:

We feel these amendments would strengthen the composition of the working group, particularly because the proposed working group would include legislative recommendations prior to the convening of the Regular Session of 2027.

Hawai'i is undergoing a major demographic shift, with a rapidly aging population that will have profound implications for our healthcare infrastructure. In 2023, over 21% of Hawai'i's residents were aged 65 and older – a proportion that has been increasing and is projected to reach one in four by 2035. The fastest-growing segment includes those over 80 years old, a group that is more likely to require higher-intensity and higher-cost care.

As this trend continues, Hawai'i will face a dramatic rise in demand for end of life care, including hospice and palliative care. At present, our healthcare infrastructure is ill-suited to accommodate these changes. As such, there is a need to identify and implement alternative models that scale the amount of care that can be provided.



At the same time, there have been a number of concerning trends in the hospice industry on the mainland. In 2022, ProPublica published an article [Endgame: How the Visionary Hospice Movement Became a For-Profit Hustle](#) that unveiled growing fraud and abuse among bad actors who have taken advantage of the hospice benefit.

This has led to poor healthcare outcomes. Furthermore, as both resolutions state, a [Los Angeles Times article](#) in 2020 asserted that, in Southern California, where hospice companies have grown rapidly due to limited State regulation, “mismanaged pain medications, neglected infections, missed nursing visits, incompetent or dishonest home health aides - all were cited among hundreds of violations.” The findings led to a [moratorium](#) on new hospices in the State of California.

Accordingly, our State is at a critical juncture. We need to navigate one crisis without leaving ourselves susceptible to another. To do so will require significant coordination among industry, government, and healthcare stakeholders.

We commend the legislature for introducing this measure, which does just that; it facilitates a discussion in which stakeholders study trends among the hospice industry, examine existing rules and regulations, and provide recommendations on regulatory changes.

Thank you for the opportunity to submit testimony.