



**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
919 ALA MOANA BOULEVARD, ROOM 113  
HONOLULU, HAWAII 96814  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543  
February 1, 2013

The Honorable Della Au Belatti, Chair  
House Committee on Health  
and  
The Honorable Mele Carroll, Chair  
House Committee on Human Services  
Twenty-Seventh Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

Dear Representatives Au Belatti and Carroll, and Members of the Committees:

SUBJECT: HB 120 – RELATING TO HEALTH

The State Council on Developmental Disabilities (DD) **SUPPORTS HB 120**. The bill requires the Department of Health and the Department of Human Services to post on their respective websites reports of all inspections in which a violation was discovered at certain care facilities by January 1, 2015.

The passage of this bill would enable the public to easily access reports of inspections and provide valuable information about the quality of care and conditions of state-licensed facilities and violations of relevant state laws and rules. The reports would be useful to individuals, family members, case managers and others who work with individuals who are elderly and individuals with disabilities who are considering a move into a state-licensed care facility.

Thank you for the opportunity to submit testimony in **support of HB 120**.

Sincerely,

  
Waynette K.Y. Cabral, MSW  
Executive Administrator



HB120  
HLT/HUS  
Friday February 1, 2013  
10:00 a.m.  
Room 329

**Hawaii's Voice for a Better Future**

COMMITTEE ON HEALTH  
Rep. Della Au Belatti, Chair  
Rep. Dee Morikawa, Vice Chair

COMMITTEE ON HUMAN SERVICES  
Rep. Mele Carroll, Chair  
Rep. Bertrand Kobayashi, Vice Chair

January 31, 2013

**Re: HB120 — Relating to Health**

**In Support**

Rep. Belatti, Rep. Morikawa, Rep. Carroll, Rep. Kobayashi and members of the Committees:

At present, copies of care home inspection reports are available to the public, but it is a manual process that can take up to two weeks. Someone must pull and redact the records in order to provide the information requested.

At the same time, the family requesting the information is almost always on a time crunch, having to make a decision within a short period of days, if that. Hospitals are also anxious to free up beds as soon as possible.

Why not use computer technology and post this essential information online? The cost to do that should be more than made up to the state simply by freeing up hospital beds sooner.

Since nursing home records have been available online for some time without problems, it makes little sense to withhold this information from public access. Regardless of the predictable opposition of some providers, I think it is inevitable that information of this nature will become routinely available online. Why wait--let's do it now.

Larry Geller  
President, Kokua Council

The **Kokua Council** is one of Hawaii's oldest advocacy groups. Kokua Council seeks to empower seniors and other concerned citizens to be effective advocates in shaping the future and well-being of our community, with particular attention to those needing help in advocating for themselves. "We embrace diversity and extend a special invitation to any senior or intergenerational minded individual interested in advocating for these important issues in Hawaii."

Lilia Fajotina

ARCA President

(Alliance of Residential Care Administrators)

P.O. BOX758

PEARL City, HI 96782

Date: Friday, February 01, 2013

Time: 10:00 A.M.

Room: 329(State Capitol)

The Hon. Mele Carroll, Chair

Rep. Bertrand Kobayashi, Vice Chair

And Members of the Committee:

I strongly oppose HB120

Instead of posting the bill on the website, in my own opinion it would be better if the actual citation on the DOH form will be posted in the carehomes. This way if families, relatives and friends looking for placement want to see the actual citations of the care home, it is available for them to see. The primary caregiver can also answer questions that they may have and at the same time explain the citation and what was done and what needs to be done to avoid the same

mistake in the future. This is what we do now in the care homes. Some consumers are already asking for the home's citations when they come into a home and are shown to them. Some care home operators have also been telling the consumers to call DOH-OHCA Licensing Dept. to ask about the care home's present status: is it already licensed by DOH; any caregiving issues that it may have? But according to these consumers, the Department is hesitant to tell them about the issues and now it is okay for them to post it on the website?

As it stands right now, the citations or deficiencies that the Dept. write are so vague and not specific that consumers looking at the website would be so confused. For example: according to Menu #1, the resident should be served "lean luncheon meat" for lunch. The Primary Care Giver (PCG) or the Registered Dietitian forgot to write the word "lean" on the menu or before the word "luncheon meat". Now, the PCG is cited because by not writing the word "lean", the PCG gave extra fat (?0.00001gm) even though the resident was served the lean meat. The citation would read, "Menu #1

does not meet the nutritional needs of the resident." As a consumer myself reading this citation, it is not good. And it is not fair for the PCG or the operator of the home. Also, there is no discussion yet as to what would be posted. Is it everything? I am all for posting citations such as "leaving residents unattended", "many medication errors", "house is a hazard", etc. I believe that there should be some discussion first as to what needs to be posted. There are other alternatives that would do just fine that would have the same outcome as "posting citations on the web." Calling the Dept. would be a good one, as they know the "Home" that they are inspecting. This would save the State thousands of dollars for equipment and manpower and to help the economy.

I am also not in favor of the Dept. citing the care home operator for the Case Manager's mistakes or citations. I truly believe that anyone involved in the care of the resident should be responsible for their own doing. In other words, if it is the mistake of the Case Manager, it should be the case manager that is cited, not the home or the primary care giver.

Posting our violations on the website I believe is violating my privacy and it may be against my civil rights. Not everyone would open up his /her home to strangers and lose his/her privacy to save the State millions of dollars.

Thank you for the opportunity to submit testimony  
In Opposed HB120

Lilia Fajotina  
ARCA President

**In support of HB120**

Jan. 31, 2013

This is a long overdue tool that will help consumers looking for quality care for family or friends needing immediate placement. When confronted by the often times sudden need for a placement, stressed responsible parties need ways to quickly begin to evaluate the quality of care of the many homes providing these services. The state should provide the tools that consumers can use for this critical need.

Sincerely,  
Audrey Kubota

From: David Hubbard, former resident of Kailua, hubbard@lifesci.ucsb.edu  
Re: Hearing date 1 February 2013, IN SUPPORT HB 120

Dear Committee Chairs, Vice-chairs and Committee Members,

David Hubbard, IN SUPPORT HB 120. I always hoped that our family would be able to care for my parents in their home in Kailua (Senate District 25) as they aged, perhaps with help from the outside. The challenges that rose up, when we realized that this would not be possible for my mother, were new and unlike any we had faced before. When we found out that we had to turn to other alternatives outside our home, the pressure was on. These decisions must be made quickly, and they have major health and financial consequences.

We asked for advice from professionals, friends and people that had recently gone through the similar challenges. We searched for resources and tried to understand all the alternatives that were available. Information is limited. No single resource gives a broad, up-to-date overview of the options.

This is a very stressful and emotional time for families, and while we encountered many outstanding professional caregivers, we were also discouraged and confused by some of the interactions we had while trying to make the best decisions for a loved one.

I will give a few examples of situations that our family encountered while trying to find an appropriate situation for my mother. One facility offered to sign my mother up as a family member because they did not have the correct ratio of Medicaid to private pay patients to accept her through normal channels. At a second facility, we found out after asking a long series of questions that they were not regulated by the Department of Health at all, and there would be no way to check for complaints or violations, because they had set up an alternative legal structure for running their business. At a third place that had a single staff person at night, we asked what would happen if a patient fell out of bed at night. We were told that they would make the patient comfortable on the floor with pillows and wait for the day staff to arrive. These interactions caused us to have doubts, and made decision-making more difficult.

The Hawai'i Department of Health has information on the quality of the facilities under their jurisdiction, but they do not currently make it easy for the public to get access to in a timely manner. Many other states have programs that make this information available immediately on the internet. Please IN SUPPORT HB 120 and make it a little easier for families to make good decisions in a timely manner for their loved ones.

Mahalo,  
David Hubbard, hubbard@lifesci.ucsb.edu



# LATE TESTIMONY

## THE UNITED GROUP OF HOME OPERATORS (UGHO) 30 years of Excellence Serving our Elderly and Disabled



Testimony for HLT/HUS  
Friday, February 1, 2013 at 10:00  
State Capitol, Conference Room 329

### COMMITTEE ON HEALTH

Rep. Della Au Belatti, Chair  
Rep. Dee Morikawa, Vice Chair

### COMMITTEE ON HUMAN SERVICES

Rep. Mele Carroll, Chair  
Rep. Bertrand Kobayashi, Vice Chair

Aloha Chairs and Members of the Committees on HLT and HUS:

I am Esther Pascual, President of The United Group of Home Operators (UGHO). UGHO was a member organization of the Hawaii Coalition of Care Home Administrators (HCCHA) which represents 500 ARCH's caring for about 2,500 of Hawaii's fragile elderly & physically and mentally challenged. In addition, there are about 1,000 adult foster residential homes that care for about 10,000 of Hawaii's fragile elderly & physically and mentally challenged.

For the past 30 years, UGHO members have operated residential care homes that provide assisted living accommodations in a stress free, small family atmosphere for their residents including the elderly and individuals with disabilities who otherwise would be unable to care for themselves.

The over regulation and extra ordinary over sight of this industry has beaten it in the ground and has driven many legitimate operators out of business while driving up the costs of operations to the State. This does a great disservice to the aged and elder who prefer the comfortable and relaxed setting of a private home instead of being institutionalized in a huge nursing home.

Care Homes should not be held to the same onerous regulations as hospitals and nursing home institutions whose lobbyists and supporters have convinced fragile seniors that it should to run them out of business. The cost of this extreme measure has to be borne by someone and it's usually the taxpayer or past down to the residents in care and foster homes. Reports must include both Good and Bad events, not only bad.

Keep in mind these are community based homes and the residents and home operators have a right to privacy. Care homes and Foster homes should not be discriminated against and treated differently from other industries or like a hospital or major nursing institution. Thank you very for your attention.

*Inter:*  
House, Human & Health  
Services  
Puc. 329

To: Rep. Della Au Belatti, Chair  
Rep. Dee Morikawa, Vice Chair

Rep. Mele Carroll, Chair  
Rep. Bertrand Kobayashi, Vice Chair

From: Wendy Silverthorne

My name is Wendy Silverthorne and I am a former Kailua resident of many years. My parents have been residents of Kailua for fifty years and live in House District 50. I am writing in support of H.B. 120.

Two years ago, my mother was hospitalized at Castle Medical Center in Kailua. I flew out to be a support to my parents. My mother was so ill, that after a week we were told that she needed to stay in a Skilled Nursing Facility. I was sent out the door of the hospital at 4:00 in the afternoon to find a place for my mother to stay <sup>in</sup> as she was being discharged the next morning.

In June of 2012, my mother's health started to decline rapidly. The Fire Department had to come to the house many times to either pick her up off the <sup>floor</sup> ground when she had fallen and/or take her to Castle Medical Center for evaluation. It was no longer safe for her to be at home.

My father was told that he should find a licensed foster home or care home for <sup>(her)</sup> my mother. He visited half a dozen of these homes, I became increasingly concerned about some of the things that he was being told. One home offered to go to Court and have my mother declared a family member so that they could take her in as a private pay patient to get around Medicaid ratio requirements.

And, yet another home told my father, that if my mother fell out of bed during the night, they would give her a pillow and "make her as comfortable as possible on the floor until another employee came in to assist <sup>in</sup> the next morning", but they would not call the fire department to get her up off the floor.

I thought the most sensible thing to do would be to check with <sup>the</sup> State Department of Health to see if there were founded complaints against the homes that we were considering placing my mother in. I was shocked to find out that the procedure is to submit a request in writing and then after the request is received, the Department of Health is allowed ten days to provide the information. In most states, this information can be obtained online.

When a family has a loved one that needs to be placed <sup>in alone home</sup>, you rarely have the luxury of time to make a decision. Often, when being discharged from a hospital, you have about 24 hours to make that decision.

Please pass H.B. 120 to protect the vulnerable elderly and disabled citizens of Hawaii. It is the right thing to do.

Sincerely, Wendy Silverthorne  
[wsilverthorne@comcast.net](mailto:wsilverthorne@comcast.net)  
360-450-7445

David Hubbard

To whom it may concern:

We, the caregivers of the Big Island (Adult Foster Home and Care Home Operators) would like to oppose this bill (HB 120) requiring the Department of Health and Department of Human Services "to post on their respective websites reports of all inspections in which a violation was discovered at certain care facilities". Again, we would like to remind you that the setting for which care are provided in these programs (Care Home and Adult Foster Home) are home based care settings. It is not a facility based care or institutional based care for which anyone and everyone are allowed to come and go with or without relation to the clients being served. In a home, it is where families congregate, it is private and it is "where the heart is". This are where we live, love and feel welcomed. It is a place where our families along with our clients' families feel safe and comfortable with. If this bill is passed, anyone and everyone will be able to have access of our HOME for which we have been trying to maintain its cohesiveness and integrity for many years. With that in mind, we highly ask for your consideration to please keep the OHANA and HOME mentality while discussing this bill. We, the home based caregivers representing Adult Care Home Operators and Adult Foster Home Operators of the Big Island therefore highly oppose any public postings of inspections/violations as it is NOT just a house structure or a FACILITY where our care are provided, but it is a place where we ALL call our HOME.

Sincerely,

Noemi Arzaga

AFHA Operator & Advisor

Big Island Chapter