SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO EXPLORE WAYS IT CAN EXERCISE OVERSIGHT OVER COMMUNITY HEALTH CENTERS AND OTHER MEDICAL SERVICE ENTITIES WHEN A DANGER TO THE COMMUNITY'S HEALTH EXISTS.

WHEREAS, Article IX, section 9 of the Hawaii State Constitution requires the State to "provide for the protection and promotion of the public health"; and

WHEREAS, community health centers, also known as federally qualified health centers, are the cornerstone of Hawaii's health care system and provide essential services to the State's most vulnerable populations; and

WHEREAS, because community health centers often serve federally recognized areas where residents face barriers to getting health care, the State must ensure that these centers provide proficient medical services to its residents; and

WHEREAS, recent events have demonstrated the importance of ensuring that community health centers and other medical service entities are properly staffed and skillfully managed; and

WHEREAS, the current coronavirus disease 2019 pandemic has shown how vulnerable our communities are to a worldwide public health catastrophe; and

WHEREAS, community health centers provide critical health care services and must have the necessary resources to handle such public health emergencies; and

WHEREAS, in 2019, the only community health center on the island of Molokai closed for four days in August due to staff shortages; specifically, the center did not have a physician on staff, in violation of federal requirements; and
WHEREAS, the closure of the clinic put at risk the health and safety of Molokai residents who were unable to see a doctor or obtain crucial medication; and

WHEREAS, although state officials attempted to investigate the center following the closure, the health center refused to cooperate with the investigation; and

WHEREAS, other types of medical service entities have also experienced disturbing incidents, including a high-profile event involving the death of a child at a Kailua dental practice; and

WHEREAS, given these past events and the Hawaii State Constitution's mandate that the State provide for the protection and promotion of the public health, it is incumbent upon the State to study ways to ensure that community health centers and other medical service entities are providing proficient services to the communities they serve; now, therefore,

BE IT RESOLVED by the Senate of the Thirty-first Legislature of the State of Hawaii, Regular Session of 2021, that the Department of Health is requested to conduct a study that explores options for it to provide better oversight over community health centers, dental clinics, and other medical service entities; and

BE IT FURTHER RESOLVED that the study is requested to include:

(1) A recommendation regarding additional authority that will enable the Department of Health to adequately oversee community health centers, dental clinics, and other medical service entities;

(2) An overview of other jurisdictions that oversee these types of medical service entities, and how those jurisdictions provide oversight;

(3) A recommendation regarding whether the Governor, Department of Health, or another entity should have the authority to order the closure of a medical service entity, or take control of a medical service
entity, if there is a threat to the health and safety of the community or if a determination is made that the medical service entity is not providing proper medical services; and

(4) Recommendations for additional staffing and support for the Department of Health to adequately oversee medical service entities; and

BE IT FURTHER RESOLVED that the Department of Health is requested to submit a report to the Legislature of its findings and recommendations, including any proposed legislation, no later than twenty days prior to the convening of the Regular Session of 2022; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor and Director of Health.

OFFERED BY: [Signature]