



## The Legislature

STATE CAPITOL  
HONOLULU, HAWAII 96813

October 20, 2015

The Honorable Governor David Y. Ige  
State of Hawai'i  
Hawai'i State Capitol, Executive Chambers  
Honolulu, HI 96813

Dear Governor Ige,

Members of the Legislative Kupuna Caucus have discussed the current impasse regarding the posting of long term care facility reports on the Department of Health website and request your assistance in resolving the issue so that the requirements of the law are fulfilled without further delay.

Act 213 was signed into law on June 23, 2013 to great applause from social workers, advocates and families that often have a matter of hours to decide on care home placement for their elderly parents or spouses. The law was needed to relieve an unacceptable situation which is described below.

Passage of the new law was a multi-year effort that appeared to succeed in that reports were mandated to be posted starting January 1, 2015. But it is now October, 2015, and the Department of Health has posted very few inspection reports and stopped.

Keith Ridley of the Department of Health Office of Health Care Assurance indicated in phone conversations and in an interview with Civil Beat that no further reports will be posted due to lack of resources.

The Legislature authorized \$148,000 for fiscal years 2014 and 2015 for two positions in the DOH, but neither position was hired. The appropriation was not renewed in the next budget and the positions remain unfilled.

As senator, you voted in support of HB120 (2013) which became Act 213. When campaigning for governor, you indicated that you would ensure the deadline was met. Civil Beat reported on September 13 that your office insisted that "the issue will be resolved soon."

Again, this is now mid-October, the backlog is increasing, and the Department of Health persists in refusing to post any more inspection reports.

The desired remedy is that the DOH resume posting reports and set a reasonable and firm deadline to close the backlog – the law requires that inspection reports completed after January 1, 2015 be posted. At the same time, DOH should post current inspection reports within the five days mandated by the law since current information is the most valuable to families needing to make rapid decisions on placement. In closing the backlog, DOH should proceed from the most current reports working back to January 1.

The Legislature can certainly consider a new appropriation for the next budget year to create new positions in DOH as required, but the posting of reports cannot wait to see if the hires will be made.

To reiterate why Act 213 is critical to the hundreds of families searching for placement for loved ones, it is only necessary to describe the situation prior to passage of the law, which unfortunately continues to this day.

Then and now, a person suddenly faced with the need to place a spouse or relative in a long term care facility must write a letter to the Office of Health Care Assurance specifying the facilities under consideration, and then wait for a state worker to manually pull the files, redact the names, make copies, charge for the copying and notify the requestor that the information is available.

The process may take 10 days to a couple of weeks and the family must pay for the reports. The law removed this requirement and expense by providing a simple, cost effective solution to the problem that is already in effect in many other states: Inspection reports posted on the Web that may be reviewed immediately, with no delay, and at no cost to families.

When the need is immediate, 10 days to a couple of weeks is too slow and is unacceptable. It's also costly for the family and the State if a hospital patient refuses to move until there is some information that assures they will be transferred to a new home that is safe and has a history of providing good care.

As co-conveners of the Legislative Kupuna Caucus, we request that you take appropriate action to implement the desired remedy above so that this matter may be resolved as expeditiously as possible.


Me ke aloha pumehana,



Suzanne Chun Oakland  
Co-Convener  
Kupuna Caucus  
State Senator



Les Ihara  
Co-Convener  
Kupuna Caucus  
State Senator



Gregg Takayama  
Co-Convener  
Kupuna Caucus  
State Representative

October 20, 2015  
Page 3 of 3

SNJCO: xa

enclosure: Act 213 (2013)