

WORKING TOGETHER TO HELP OTHERS

**PLEASE JOIN US FOR LUNCH
EVERY FOURTH MONDAY at 11:30 a.m. to 1:00 p.m.**

Miyama Main Hall, Harris United Methodist Church, Nuuanu Ave. and South Vineyard Blvd.
Ample parking—driveway off Nuuanu Ave.

MONDAY, February 26, 2018

LEGISLATIVE REVIEW

THE KEY BILLS AND ISSUES IN THE 2018 SESSION

Things are moving fast, and we need to keep on top of developments.

Kokua Council Windward at Pohai Nani

“CAN WE END HOMELESSNESS IN HAWAII”

with Connie Mitchell, Executive Director of Institute of Human Services

Thursday, February 8, 2018 12:30-1:30 pm

IN MEMORIUM

Only of Kokua Council’s longest serving leaders, **Laura Manis**, recently passed away. Laura was a major contributor to senior advocacy for many years, chairing our legislative committee.

She knew all the people, and all the issues. Laura will be missed. We can honor her by remembering that each and every one of us can continue to be engaged in our democracy, and in carefully following how our government responds to the challenges of a rapidly aging community.

DEATH WITH DIGNITY/ MEDICAL AID IN DYING

The following **Medical Aid In Dying** bills were introduced and passed "First Reading" late last week with no committee assignments yet made:

SB 2727 Health; Medical Aid in Dying. Read the bill [HERE](#)

HB 2736 Health; Our Care, Our Choice. Read the bill [HERE](#)

HB2218 Relating To Voluntary Assisted Dying. Read the bill [HERE](#)

HB 2739 Health; Our Care, Our Choice Read the bill [HERE](#)

Unlicensed Care Homes

One of the highest priority bills relates to the so-called Aging in Place, unlicensed and unregulated facilities. How to reverse the trend of these homes going unlicensed, and preventing more, will be a challenge. Here is the bill developed by the Department of Health and the Deputy Attorney General.

HB 1911 RELATING TO HEALTH/ OR SB 2586 RELATING TO CARE FACILITIES.

SECTION 1. Chapter 321, Hawaii Revised Statutes, is amended by adding five new sections to be appropriately designated and to read as follows:

"§321-A Investigations. Upon receiving a report that a person, corporation, or any other entity may be operating a care facility without a certificate or license as required by law and issued by the department, or that a home or any type of living arrangement may be operating as a care facility without a certificate or license as required by law and issued by the department, the department may conduct an investigation for the limited purposes of determining whether the person or entity is operating without a required certificate or license in accordance with the following provisions:

- (1) The department may request access to the location indicated in the report; or
- (2) The department may file a complaint with the district court in the circuit of the location indicated in the report and the district court, upon a finding of probable cause, may issue a search warrant directed to the department and the appropriate county police department, if necessary, to investigate the location pursuant to this section between the hours of sunrise and sunset.

§321-B Action upon investigation. Upon investigation, the department shall take action on confirmed findings that the subject of a report is operating a care facility without the required certificate or license and shall have the authority to do any or all of the following:

- (1) Resolve the matter in an informal fashion as is appropriate under the circumstances;
- (2) Exercise the department's right of entry under section 321-C;
- (3) File a petition with the district court for enforcement, protective, or remedial action; or
- (4) Pursue any protective or remedial actions authorized by law.

§321-C Right of entry. The department, when engaged in an investigation pursuant to section 321-A shall be authorized to visit and communicate with any person operating the facility, home, or other type of living arrangement that is the subject of a report. Any person intentionally or knowingly obstructing or interfering with the department's right of entry, the department's investigation of a report of operating without a certificate or license, or the department's communication with a vulnerable person reported to be receiving care from an uncertified or unlicensed operator shall be guilty of a misdemeanor.

§321-D Penalty. Any person who intentionally operates a care facility without a certificate or license shall be guilty of a misdemeanor and shall be fined not more than:

- (1) \$ _____ for each day of uncertified or unlicensed operation for the first violation;
- (2) \$ _____ for each day of uncertified or unlicensed operation for the second violation; and
- (3) \$ _____ for each day of uncertified or unlicensed operation for the third and each succeeding violation.

§321-E Referral or transfers to uncertified or unlicensed care facility. It shall be unlawful for a certified or licensed healthcare provider or certified or licensed care facility to knowingly refer or transfer patients to an uncertified or unlicensed care facility. The department shall be authorized to enforce on any certified or licensed

healthcare provider or certified or licensed care facility that knowingly refers or transfers patients to a care home, agency, or facility operating without a certificate or license as required by law, a fine of not more than:

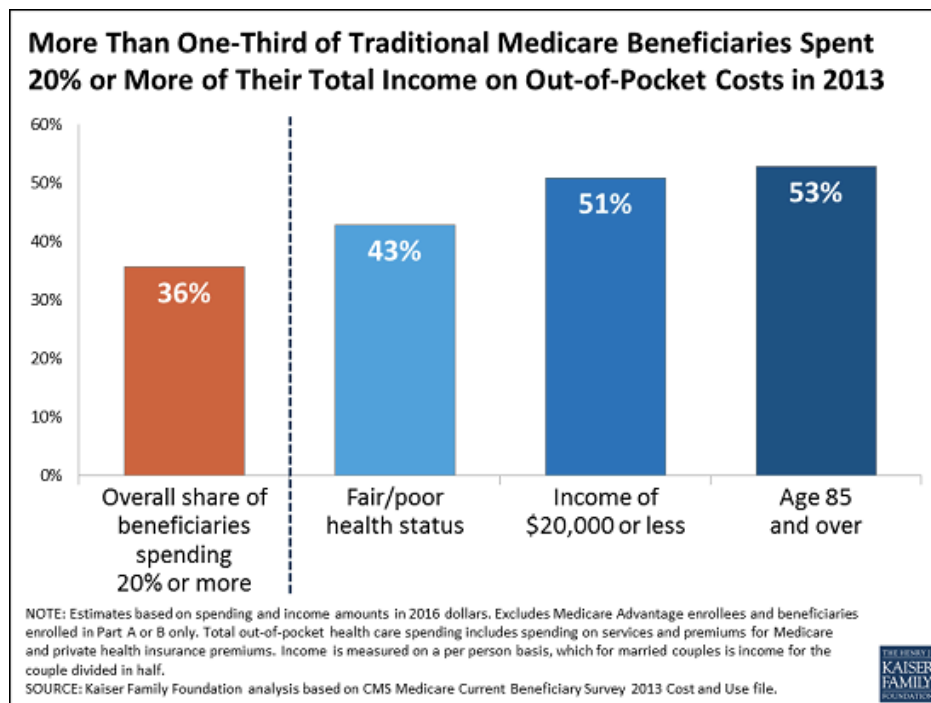
- (1) \$ _____ for the first violation;
- (2) \$ _____ for the second violation; and
- (3) \$ _____ for the third and each succeeding violation.

In addition to fines imposed under this subsection, the department may initiate administrative proceedings to suspend or revoke the referring or transferring care provider or facility's certificate or license upon a third or any succeeding violation."

SECTION 2. In codifying the new sections added by section 1 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

NOTE: This bill will certainly be modified as it goes through the Session. Kokua Council suggests it needs a Findings and Purpose Section, perhaps some definitions, and a requirement that the Department of Health develop formal process and procedure for reporting suspected illegal operations.

DID YOU KNOW? According to a Kaiser Family Foundation Study in 2013, large numbers lower income seniors must allocate significant percentages of their incomes for out of pocket Medicare expenses. For all Medicare recipients, out of pocket health costs were consuming an average of 41% of social security income.





Kokua Council for Senior Citizens of Hawaii Education Fund, Inc.

20 South Vineyard Blvd.
Honolulu, HI 96813
<http://www.kokuacouncil.org>

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WORKING TOGETHER TO HELP OTHERS

Who Are We?

The **Kokua Council** is one of Hawaii’s oldest advocacy groups. There is a \$10.00 annual membership to defray printing and postage costs. At each meeting, topical issues are presented for discussion and possible action. We embrace diversity and extend a special invitation to any senior or intergenerational minded individual interested in advocating for these important issues in Hawaii.” All are welcome. **WHEN:** 4th Monday of every month, 11:30 a.m. to 1:00 p.m. **WHERE:** Harris United Methodist Church @ Nuuanu & South Vineyard Blvd., Ample parking and a light lunch are provided for \$5.00 Donation. **REACH US:** c/o Harris United Methodist Church, 20 South Vineyard Blvd, Honolulu, Hawaii 96813

Mission: “Kokua Council advocates and 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. “

YOUR 2017 OFFICERS AND BOARD MEMBERS

Board and attending community members elected the 2017 Kokua Council Officers and Board Members. Officers: President – Jim Shon, 282-1509; Secretary – Kathy Wyatt; Vice Prez: Open, Treasurer – Barbara Service, **352-7779** Board Members: Charles Carole; T. J. Davies, tjdavies@juno.com ; Larry Geller, 540-1928; Tony Lenzer, Mae Mendelson, Lila Mower, Barbara Service, Helen Wagner, Emeritus: Sam Cox, Richard Miller.

Website: www.kokuacouncil.org

JOIN KOKUA COUNCIL!

Yes! I want to join Kokua Council. Here are my annual dues and my contact information. I understand that my phone number will be added to the Kokua Phone Tree and I will receive the monthly newsletter and occasional e-mails. Our fiscal year starts in January. Please make checks payable to **Kokua Council**.

Individual Member __ \$10.00 **Life Member** __ \$100.00 **Organizational Member** __ \$25.00

Donations: 501(c)(4) Advocacy _____ Education Fund: 501(c)(3) _____ (Tax Deductible) Date _____

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Mail to: Treasurer, Kokua Council, Harris United Methodist Church, 20 So. Vineyard Blvd, Honolulu, HI 96813