

STAND. COM. REP. NO.

705

Honolulu, Hawaii

Feb 16, 2007

RE: H.B. No. 1067

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committees on Health and Consumer Protection & Commerce,
to which was referred H.B. No. 1067 entitled:

"A BILL FOR AN ACT RELATING TO CERTIFICATES OF NEED,"

beg leave to report as follows:

The purpose of this bill is to improve the State's process in
approving the expansion or creation of new health care facilities
and services by establishing a temporary blue ribbon panel to:

- (1) Study the certificate of need (CON) process in other
states; and
- (2) Recommend changes or the abolishment of Hawaii's CON
process.

The Governor's Policy Office on behalf of the Administration,
Department of Health, Healthcare Association of Hawaii, Hawaii
Government Employees Association and numerous concerned
individuals opposed this bill.

Your Committees have amended this bill by inserting
provisions that:

- (1) Clarify the development responsibility of the State
Health Planning and Development Agency (SHPDA);

HB1067 HD1 HSCR HLT-CPC HMS 2007-2071



- (2) Redefine and narrow the scope of CON requirements so that they are only required for:
 - (A) Emergency rooms;
 - (B) Freestanding emergency care facilities; and
 - (C) Surface ambulance services;
- (3) Reverse the order in which the Statewide Health Coordinating Council (Statewide Council) and the individual Subarea Health Planning Council (Subarea Council) hear a CON application to provide the Subarea Council more input closer to the final stage of the CON process;
- (4) Eliminate the CON Review Panel to streamline the CON process;
- (5) Require the SHPDA administrator to give greater weight to the Subarea Council's decision when the Statewide Council's and Subarea Council's recommendations conflict; and
- (6) Require that a hearing on a CON applicant's request for reconsideration must be held on the island where the new facility or activity will be based.


Your Committees have further amended this bill by:

- (1) Changing the effective date to January 1, 2009, to facilitate further discussion; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

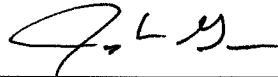
As affirmed by the records of votes of the members of your Committees on Health and Consumer Protection & Commerce that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1067, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1067, H.D. 1, and be referred to the Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committees on Health and
Consumer Protection & Commerce,



ROBERT N. HERKES, Chair



JOSHUA B. GREEN, M.D., Chair



Record of Votes of the Committee on Health

Bill/Resolution No.: HB 1067	Date: 2-9-07			
Committee Referral: HLT/CPC, FIN	<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.			
The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. GREEN, Josh, M.D. (C)	✓			
2. MIZUNO, John (VC)	✓			
3. BELATTI, Della Au				✓
4. BERTRAM, Joe, III	✓			
5. CABANILLA, Rida T.R.				✓
6. RHOADS, Karl	✓			
7. SHIMABUKURO, Maile S. L.				✓
8. TAKAI, K. Mark				✓
9. TOKIOKA, James Kunane	✓			
10. AWANA, Karen Leinani	✓			
11. WARD, Gene, Ph.D.	✓			
TOTAL	7			4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, <u>HLT/CPC</u> did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 1067		Date: February 9, 2007		
Committee Referral: HLT/CPC, FIN		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to:				
<input type="checkbox"/> Pass, unamended <input type="checkbox"/> Hold		<input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration		
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. HERKES, Robert N. (C)				X
2. McKELVEY, Angus L.K. (VC)	X			
3. CALDWELL, Kirk	X			
4. EVANS, Cindy	X			
5. GREEN, Josh, M.D.	X			
6. ITO, Ken	X			
7. LUKE, Sylvia				X
8. MORITA, Hermina M.				X
9. SONSON, Alex M.	X			
10. SOUKI, Joseph M.				X
11. TSUJI, Clift	X			
12. YAMANE, Ryan I.	X			
13. YAMASHITA, Kyle T.	X			
14. MARUMOTO, Barbara C.	X			
15. THIELEN, Cynthia	X			
TOTAL	11	0	0	24 ^{AW}
The recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. <div style="text-align: center;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office				