
A BILL FOR AN ACT

RELATING TO EXPANDED ADULT RESIDENTIAL CARE HOMES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 321-15.62, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The director of health shall adopt rules regarding
4 expanded adult residential care homes in accordance with chapter
5 91 that shall implement a social model of health care designed
6 to:

- 7 (1) Protect the health, safety, civil rights, and rights
8 of choice of residents in a nursing facility or in
9 home- or community-based care;
- 10 (2) Provide for the licensing of expanded adult
11 residential care homes for persons who are certified
12 by the department of human services, a physician,
13 advanced practice registered nurse, or registered
14 nurse case manager as requiring skilled nursing
15 facility level or intermediate care facility level of
16 care who have no financial relationship with the home
17 care operator or facility staff; provided that the
18 rules shall allow group living in the following two



1 categories of expanded adult residential care homes as
2 licensed by the department of health:

3 (A) A type I home shall consist of five or fewer
4 residents with no more than [~~two~~] three nursing
5 facility level residents; provided that more
6 nursing facility level residents may be allowed
7 at the discretion of the department; and provided
8 further that up to six residents may be allowed
9 at the discretion of the department to live in a
10 type I home; provided that the primary caregiver
11 or home operator is a certified nurse aide who
12 has completed a state-approved training program
13 and other training as required by the department;
14 and

15 (B) A type II home shall consist of six or more
16 residents, with no more than twenty per cent of
17 the home's licensed capacity as nursing facility
18 level residents; provided that more nursing
19 facility level residents may be allowed at the
20 discretion of the department;



1 provided further that the department shall exercise
 2 its discretion for a resident presently residing in a
 3 type I or type II home, to allow the resident to
 4 remain as an additional nursing facility level
 5 resident based upon the best interests of the
 6 resident. The best interests of the resident shall be
 7 determined by the department after consultation with
 8 the resident, the resident's family, primary
 9 physician, case manager, primary caregiver, and home
 10 operator;

11 (3) Comply with applicable federal laws and regulations of
 12 title XVI of the Social Security Act, as amended; and

13 (4) Provide penalties for the failure to comply with any
 14 rule."

15 SECTION 2. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 3. This Act shall take effect on July 1, 2015.



Report Title:

Expanded Adult Residential Care Homes; Population

Description:

Increases the capacity from two to three nursing facility level residents in Type I Expanded Adult Residential Care Homes.

(SD1)

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