

S.B. NO. 1114

JAN 28 2015

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Section 321-1.8, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[f]~~ §321-1.8 ~~[f]~~ **Inspections; public notice.** (a)
4 Beginning with inspections occurring on January 1, 2015, the
5 department of health ~~[shall]~~ may post on its website electronic
6 copies of reports for all inspections it performs on any one of
7 the following state-licensed care facilities:

- 8 (1) Adult day health centers;
- 9 (2) Adult day care centers;
- 10 (3) Community care foster family homes;
- 11 (4) Developmental disabilities domiciliary homes as
12 defined in section 321-15.9;
- 13 (5) Developmentally disabled adult foster homes;
- 14 (6) Long-term care facilities as defined in section
15 349-21(f); and
- 16 (7) Special treatment facilities as defined in section
17 334-1.

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1 ~~[(b) Each report shall be posted on the department of~~
2 ~~health's website within five working days of the conclusion of~~
3 ~~each inspection and shall include the following information:~~

4 ~~(1) The date of the inspection;~~

5 ~~(2) A description of violations of relevant state laws or~~
6 ~~rules, if applicable;~~

7 ~~(3) Plans of correction and the status of corrective~~
8 ~~actions in response to any violations, if applicable;~~

9 ~~(4) A list and description of all corrective actions taken~~
10 ~~by the facility, if applicable, to be submitted by the~~
11 ~~facility and added to the report at a later time, as~~
12 ~~determined by the department; and~~

13 ~~(5) Other information regarding the quality and conditions~~
14 ~~of the facility the department of health deems~~
15 ~~appropriate.]~~

16 (b) Beginning with inspections occurring on July 1, 2015,
17 the department of health shall post on its website electronic
18 copies of reports for all inspections it performs on any one of
19 the following state-licensed care facilities:

20 (1) Adult day health centers;

21 (2) Adult day care centers;

22 (3) Community care foster family homes;

1 (4) Developmental disabilities domiciliary homes as
2 defined in section 321-15.9;
3 (5) Developmentally disabled adult foster homes;
4 (6) Long-term care facilities as defined in section 349-
5 21(f); and
6 (7) Special treatment facilities as defined in section
7 334-1.
8 (c) Beginning with inspections occurring on July 1, 2015,
9 each report shall be posted on the department of health's
10 website within thirty calendar days after the department issues
11 the inspection report to the health care facility.

12 [~~e~~] (d) Each report posted on the department of health's
13 website that reports a violation committed by a state-licensed
14 care facility as described in [~~subsection~~] subsections (a) and
15 (b) shall be removed from the website after three years from the
16 date the report was posted."

17 SECTION 2. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 3. This Act, upon its approval, shall take effect
20 retroactive to January 1, 2015.

21
22 INTRODUCED BY: 

23 BY REQUEST

Report Title:

Online Posting of Inspection Reports of Care Facilities

Description:

Extends the date by which the Department of Health must post inspection reports for state-licensed care facilities by six months and increases the number of days to post the reports, as recommended by a legislative task force.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Health.

TITLE: A BILL FOR AN ACT RELATING TO HEALTH.

PURPOSE: To extend the date by which the Department of Health must post inspection reports for state-licensed care facilities by six months and increase the number of days after the completion of the inspection to post the reports, as recommended by a working group on licensed care facilities authorized by Act 213, Session Laws of Hawaii (SLH) 2013.

MEANS: Amend section 321-1.8, Hawaii Revised Statutes.

JUSTIFICATION: The amendments postpone mandatory posting of inspection reports until July 1, 2015, and will allow the department to limit the posting of inspection reports to a single type of health care facility to identify and correct any unanticipated posting irregularities or complexities before posting reports on other types of facilities. Inspection criteria and reporting procedures vary widely among types of licensed care facilities, so limiting posting to a single type, yet to be determined, will allow the Department of Health to implement online posting in a staggered manner and as resources allow.

Increasing the number of days to post inspection reports from five business days to thirty calendar days will allow facilities the added time to submit plans of correction that can be posted with the inspection reports.

The amendments postpone the requirement that inspections be posted as of July 1, 2015 due to evolving and ongoing discussions with the

licensed care facilities working group regarding implementation.

Impact on the public: Six month delay to the public to view inspection reports online.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH 760.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Retroactive to 1, 2015.