
A BILL FOR AN ACT

RELATING TO HOSPICE HOMES.

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

1 SECTION 1. Section 321-1.8, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) [~~Beginning with inspections occurring on January 1,~~
4 ~~2015, the]~~ The department of health shall post on its website
5 electronic copies of reports for all inspections it performs of
6 the following state-licensed care facilities:

- 7 (1) Adult day health centers;
- 8 (2) Adult day care centers;
- 9 (3) Community care foster family homes;
- 10 (4) Developmental disabilities domiciliary homes as
11 defined in section 321-15.9;
- 12 (5) Developmentally disabled adult foster homes;
- 13 (6) Long-term care facilities as defined in section
14 349-21(f); [~~and~~]
- 15 (7) Special treatment facilities as defined in section
16 334-1[-]; and
- 17 (8) Hospice homes as defined in section 321-15.1."



1 SECTION 2. Section 321-1.9, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The department of health shall conduct unannounced
4 visits and inspections, including inspections for relicensing or
5 recertification, for the following state-licensed or state-
6 certified care facilities on an annual basis and at such
7 intervals as determined by the department to ensure the health,
8 safety, and welfare of each resident:

- 9 (1) Adult day health centers;
- 10 (2) Adult day care centers;
- 11 (3) Community care foster family homes;
- 12 (4) Developmental disabilities domiciliary homes;
- 13 (5) Adult foster homes;
- 14 (6) Long-term care facilities, including but not limited
15 to:
 - 16 (A) Adult residential care homes;
 - 17 (B) Expanded adult residential care homes;
 - 18 (C) Assisted living facilities;
 - 19 (D) Intermediate care facilities;
 - 20 (E) Nursing facilities; and
 - 21 (F) Skilled nursing facilities; [~~and~~]



1 (7) Special treatment facilities[-]; and

2 (8) Hospice homes, as defined under section 321-15.1."

3 SECTION 3. Section 321-15.63, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) The department of health [~~may~~] shall license hospice
6 service agencies. If the department licenses hospice service
7 agencies, the director shall adopt rules in accordance with
8 chapter 91 regarding hospice service agencies that shall:

- 9 (1) Protect the health, safety, welfare, and civil rights
10 of persons residing in their place of residence; and
11 (2) Provide penalties for the failure to comply with any
12 rule.

13 Licensing shall be required annually for the first two
14 years of licensure. Thereafter, licensing shall be required
15 biennially; provided that if the department of health receives a
16 complaint regarding the hospice service agency from the time of
17 the last licensure, the licensing shall be required annually
18 until such time as the department is satisfied that licensing
19 may proceed biennially."



1 SECTION 4. Section 457A-1.5, Hawaii Revised Statutes, is
2 amended by amending the definition of "state-licensed or state-
3 certified health care settings" to read as follows:

4 "State-licensed or state-certified [~~health~~] care settings"
5 means health care settings, other than medicare or medicaid
6 certified nursing facilities, which are regulated by the
7 department of health."

8 SECTION 5. Section 457A-3, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) The director, in accordance with chapters 91 and 92,
11 shall adopt rules to implement the provisions of this chapter in
12 accordance with 42 United States Code sections 1395i-3 and 1396r
13 and the federal regulations adopted pursuant thereto, that
14 relate to:

- 15 (1) The minimum requirements necessary for certification
16 as a nurse aide;
- 17 (2) Examination requirements, including the passing score
18 and provisions for contesting examination results;
- 19 (3) Maintenance requirements for continued certification;
- 20 and



1 (4) Implementation and maintenance of a nurse aide
2 registry of certified nurse aides employed in medicare
3 or medicaid certified nursing facilities and certified
4 nurse aides in other state-licensed and state-
5 certified [health] care settings."

6 SECTION 6. Section 457A-8, Hawaii Revised Statutes, is
7 amended to read as follows:

8 " ~~[§457A-8]~~ Nurse aide certification for state-licensed
9 or state-certified [health] care settings. (a) This
10 certification applies to nurse aides working in state-licensed
11 and state-certified [health] care settings other than a medicare
12 or medicaid certified nursing facility.

13 (b) To be certified, an applicant shall successfully
14 complete:

15 (1) Training in a training program approved by the
16 director of human services under section 346-46; and

17 (2) A nurse aide examination approved by the director.

18 (c) Fees may be imposed for services rendered to carry out
19 the purposes of this section.



1 (d) Reciprocity shall be granted to qualified nurse aides
2 who have completed a state-approved program, the requirements of
3 which are comparable to the requirements of this chapter.

4 (e) Maintenance requirements for the recertification
5 process shall be required on a biennial basis and shall include
6 a competency evaluation approved by the department of human
7 services, and employment in a state-licensed or state-certified
8 [health] care setting."

9 SECTION 7. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 8. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 9. This Act shall take effect on July 1, 2019, and
15 shall apply to inspections under sections 1 and 2 of this Act
16 that occur on or after January 1, 2020.

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JAN 23 2018



H.B. NO. 2450

Report Title:

Hospice Homes; Hospice Service Agencies; State-Licensed or State-Certified Care Facility; Nurse Aides; Certification; Recertification

Description:

Includes a hospice home operated by a hospice service agency as a state-licensed or state-certified care facility subject to DOH inspections. Requires DOH to license hospice service agencies. Makes conforming amendments to the certification and recertification requirements for nurse aides working in a state-licensed or state-certified care setting. Effective 7/1/2019.

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

