
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 PART I

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

4 "[~~§~~321-1.8~~]~~ Inspections; public notice. (a)

5 Beginning with inspections occurring on January 1, 2015, the
6 department of health shall post on its website electronic copies
7 of reports for all inspections it performs of the following
8 state-licensed care facilities:

- 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 as
13 defined in section 321-15.9;
- 14 (5) Developmentally disabled adult foster homes;
- 15 (6) Long-term care facilities as defined in section
16 349-21(f); and



1 (7) Special treatment facilities as defined in section
2 334-1.

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

7 (1) The date of the inspection;

8 (2) A description of violations of relevant state laws or
9 rules, if applicable;

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

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

16 (5) Other information regarding the quality and conditions
17 of the facility the department of health deems
18 appropriate.

19 (c) Each inspection report posted on the department of
20 health's website that reports a violation committed by a state-
21 licensed care facility as described in subsection (a) shall be



1 removed from the website after three years from the date the
2 report was posted.

3 (d) Beginning _____, in addition to the inspection
4 information required by subsection (a), the department of health
5 may maintain a forum on its website where all state-licensed
6 care facilities specified in subsection (a) may post vacancy
7 information to facilitate the placement of individuals therein."

8 SECTION 2. (a) No later than _____, the department of
9 health shall convene a working group to discuss and provide
10 feedback on the implementation and maintenance of a forum on its
11 website where state-licensed care facilities may post vacancy
12 information to facilitate the placement and referrals of
13 individuals within state-licensed care facilities, as specified
14 in section 321-1.8(d), Hawaii Revised Statutes.

15 (b) The department of health shall submit a report to the
16 legislature no later than twenty days before the convening of
17 the regular session of 2019 of its findings and recommendations
18 relative to the implementation and maintenance of a forum on its
19 website, as specified in subsection (a). The report shall also
20 include feedback on the posting of vacancy information on the
21 website.



1 SECTION 3. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$ or so much
 3 thereof as may be necessary for fiscal year 2018-2019 for the
 4 implementation and maintenance of a forum on the department of
 5 health's website as permitted by this part.

6 The sum appropriated shall be expended by the department of
 7 health for the purposes of this part.

8 PART II

9 SECTION 4. Section 321-15.6, Hawaii Revised Statutes, is
 10 amended by amending its title and subsection (a) to read as
 11 follows:

12 "§321-15.6 Adult residential care homes; community-based
 13 care homes; adult day care centers; licensing. (a) All adult
 14 residential care homes shall be licensed to ensure the health,
 15 safety, and welfare of the individuals placed therein. The
 16 department of health shall conduct unannounced visits, other
 17 than the inspection for relicensing, to every [~~licensed adult~~]:

- 18 (1) Adult residential care home [~~and expanded~~];
- 19 (2) Expanded adult residential care home;
- 20 (3) Community-based care home; and
- 21 (4) Adult day care center,



1 licensed or certified and under the purview of the department on
2 an annual basis and at such intervals as determined by the
3 department to ensure the health, safety, and welfare of each
4 resident. Unannounced visits may be conducted during or outside
5 regular business hours. All inspections relating to follow-up
6 visits, visits to confirm correction of deficiencies, or visits
7 to investigate complaints or suspicion of abuse or neglect shall
8 be conducted unannounced during or outside regular business
9 hours. Annual inspections for relicensing may be conducted
10 during regular business hours or at intervals determined by the
11 department. Annual inspections for relicensing shall be
12 conducted with notice, unless otherwise determined by the
13 department."

14 SECTION 5. Section 321-15.62, Hawaii Revised Statutes, is
15 amended by amending its title and subsection (a) to read as
16 follows:

17 "§321-15.62 **Expanded adult residential care homes;**
18 community-based care homes; adult day care centers; licensing.
19 (a) All expanded adult residential care homes, community-based
20 care homes, and adult day care centers that provide health care
21 to elderly or disabled persons who are unrelated to the



1 caregiver family shall be licensed or certified and under the
2 purview of the department of health to ensure the health,
3 safety, and welfare of the individuals placed therein."

4 SECTION 6. Section 321-15.7, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§321-15.7 **Penalty.** Any person who intentionally operates
7 an adult residential care home, community-based foster family
8 home, adult foster home, adult day care center, or hospice home
9 without a license shall be guilty of a misdemeanor."

10 SECTION 7. Act 184, Session Laws of Hawaii 2016, is
11 amended by repealing sections 3 and 4.

12 [~~SECTION 3. Section 321-15.6, Hawaii Revised Statutes, is~~
13 ~~amended by amending subsection (a) to read as follows:~~

14 ~~"(a) All adult residential care homes shall be licensed to~~
15 ~~ensure the health, safety, and welfare of the individuals placed~~
16 ~~therein. The department shall conduct [unannounced visits,~~
17 ~~other than the inspection for relicensing, to every licensed~~
18 ~~adult residential care home and expanded adult residential care~~
19 ~~home on an annual basis and at such intervals as determined by~~
20 ~~the department to ensure the health, safety, and welfare of each~~
21 ~~resident. Unannounced visits may be conducted during or outside~~



1 ~~regular business hours. All inspections relating to follow up~~
2 ~~visits, visits to confirm correction of deficiencies, or visits~~
3 ~~to investigate complaints or suspicion of abuse or neglect shall~~
4 ~~be conducted unannounced during or outside regular business~~
5 ~~hours. Annual inspections for relicensing may be conducted~~
6 ~~during regular business hours or at intervals determined by the~~
7 ~~department. Annual inspections for relicensing shall be~~
8 ~~conducted with notice, unless otherwise determined by the~~
9 ~~department.] visits and inspections pursuant to section 321."~~

10 ~~SECTION 4. Section 321 15.62, Hawaii Revised Statutes, is~~
11 ~~amended by amending subsection (a) to read as follows:~~

12 ~~"(a) All expanded adult residential care homes shall be~~
13 ~~licensed to ensure the health, safety, and welfare of the~~
14 ~~individuals placed therein. The department shall conduct visits~~
15 ~~and inspections pursuant to section 321."~~

16 PART III

17 SECTION 8. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 9. This Act shall take effect on July 1, 3000.



Report Title:

Department of Health Website; Vacancies for State-Licensed Facilities; Online Forum; Compensation; Caregivers; Case Managers

Description:

Establishes a forum on the Department of Health website where state-licensed care facilities may post vacancy information to facilitate the placement of individuals. Requires community-based foster family homes, adult foster homes, and adult day care centers to be licensed and to face penalties for intentionally operating without a license. (HB2279 HD1)

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

