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# A BILL FOR AN ACT

RELATING TO INCREASING CAPACITY FOR HOME AND COMMUNITY-BASED  
LONG-TERM CARE SERVICES.

**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, which shall implement a social model of health care designed  
6 to:

7 (1) Protect ~~[the]~~ persons' health, safety, and civil  
8 rights, ~~[and]~~ as well as rights of choice ~~[of the~~  
9 ~~persons]~~ to reside in a nursing facility or in home-  
10 or community-based care;

11 (2) Provide for the licensing of expanded adult  
12 residential care homes for persons who are certified  
13 by the department of human services, a physician,  
14 advanced practice registered nurse, or registered  
15 nurse case manager as requiring skilled nursing  
16 facility level or intermediate care facility level of  
17 care ~~[who]~~, and who have no financial relationship



1 with the home care operator or facility staff;  
2 provided that the rules shall allow group living in  
3 the following two categories of expanded adult  
4 residential care homes as licensed by the department  
5 of health:

6 (A) [~~Type~~] A type I home shall consist of [~~five~~] six  
7 or [~~less~~] fewer residents with no more than [~~two~~]  
8 three nursing facility level residents; provided  
9 that more nursing facility level residents may be  
10 allowed at the discretion of the department; and

11 (B) [~~Type~~] A type II home shall consist of six or  
12 more residents, with no more than twenty per cent  
13 of the home's licensed capacity [~~as~~] at nursing  
14 facility level [~~residents;~~] of care; provided  
15 that more nursing facility level residents may be  
16 allowed at the discretion of the department;

17 provided further that the department shall exercise  
18 its discretion for a resident presently residing in a  
19 [~~Type~~] type I or [~~Type~~] type II home, to allow the  
20 resident to remain as an additional nursing facility  
21 level resident based upon the best interests of the  
22 resident. The best interests of the resident shall be



1 determined by the department after consultation with  
2 the resident, the resident's family, primary  
3 physician, case manager, primary caregiver, and home  
4 operator;

5 (3) Comply with applicable federal laws and regulations of  
6 Title XVI of the Social Security Act, as amended; and

7 (4) Provide penalties for the failure to comply with any  
8 rule."

9 SECTION 2. Section 346-331, Hawaii Revised Statutes, is  
10 amended by amending the definition of "community care foster  
11 family home" or "home" to read as follows:

12 "Community care foster family home" or "home" means a home  
13 that, for the purposes of this part:

14 (1) Is regulated by the department in accordance with  
15 rules that are equitable in relation to rules that  
16 govern expanded adult residential care homes;

17 (2) Is issued a certificate of approval by the department  
18 or its designee to provide, for a fee, twenty-four-  
19 hour living accommodations, including personal care  
20 and homemaker services, for not more than [~~two~~] three  
21 adults at any one time, at least [~~one~~] two of whom  
22 shall be [~~a~~] medicaid [~~recipient,~~] recipients, who are



1 at the nursing facility level of care, who are  
2 unrelated to the foster family, and who are receiving  
3 the services of a licensed home and community-based  
4 case management agency; and

5 (3) Does not include expanded adult residential care homes  
6 or assisted living facilities, both of which shall  
7 continue to be licensed by the department of health."

8 SECTION 3. Section 346-332, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "[~~†~~]**S346-332**[~~†~~] **Applicability.** (a) Prior to June 30,  
11 2006, this part shall apply to the demonstration project  
12 statewide.

13 (b) Community care foster family homes shall be required  
14 to reserve at least [~~one bed~~] two beds for medicaid patients."

15 SECTION 4. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on July 1, 2006.



**Report Title:**

Adult residential care homes; regulation

**Description:**

Increases the number of medicaid clients that a Community Care Family Foster Home (CCFFH) may be licensed to serve at any one time from 2 to 3 clients. Increases the number of clients that a type I expanded adult residential care home may be licensed to serve at any one time from 5 to 6 clients. (HB2366 HD1)

