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# A BILL FOR AN ACT

RELATING TO 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 shall adopt rules regarding expanded  
4 adult residential care homes in accordance with chapter 91 which  
5 shall implement a social model of health care designed to:  
6           (1) Protect the health, safety, civil rights, and rights  
7           of choice of the persons to reside in a nursing  
8           facility or in home- or community-based care;  
9           (2) Provide for the licensing of expanded adult  
10           residential care homes for persons who are certified  
11           by the department of human services, a physician,  
12           advanced practice registered nurse, or registered  
13           nurse case manager as requiring skilled nursing  
14           facility level or intermediate care facility level of  
15           care who have no financial relationship with the home  
16           care operator or facility staff; provided that the  
17           rules shall allow group living in two categories of



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

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

8 (B) Type II home shall consist of six or more  
9 residents, with no more than twenty per cent of  
10 the home's licensed capacity as nursing facility  
11 level residents; provided that more nursing  
12 facility level residents may be allowed at the  
13 discretion of the department;

14 provided further that the department shall exercise  
15 its discretion for a resident presently residing in a  
16 Type I or Type II home, to allow the resident to  
17 remain as an additional nursing facility level  
18 resident based upon the best interests of the  
19 resident. The best interests of the resident shall be  
20 determined by the department after consultation with  
21 the resident, the resident's family, primary



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1 physician, case manager, primary caregiver, and home  
2 operator;

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

5 (4) Provide penalties for the failure to comply with any  
6 rule."

7 SECTION 2. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_



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JAN 18 2006



**Report Title:**

Type I Adult Residential Care Homes; Occupancy; Increase

**Description:**

Increases the maximum allowable occupancy in a type I adult residential care home from five to six persons.

