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# A BILL FOR AN ACT

RELATING TO COMMUNITY PLACEMENT.

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

1           SECTION 1. The legislature finds that it is imperative  
2 that the State facilitate the placement of individuals into  
3 community-based settings that can provide for their care. Since  
4 the United States Supreme Court decision in Olmstead v. LC, 527  
5 U.S. 581 (1999), the nationwide trend has been to  
6 deinstitutionalize individuals and attempt to provide for their  
7 care in community-based settings.

8           One obstacle that health care professionals and social  
9 workers face in their efforts to discharge patients from  
10 facilities, or to otherwise locate suitable community  
11 placements, is the lack of a central inventory of the facilities  
12 that have vacancies at any given time. This creates a very  
13 labor intensive process that requires numerous telephone calls  
14 to ascertain whether a facility has a vacancy.

15           A central database or clearinghouse with an up-to-date list  
16 of vacancies at community-based facilities would streamline and  
17 expedite the placement process.



1           The legislature further finds that some facilities are  
2 regulated by the department of health and others are regulated  
3 by the department of human services. Some facilities already  
4 are subject to a requirement to report vacancies to their  
5 respective regulatory agency, whereas others are not required to  
6 do so.

7           The purpose of this Act is to direct the department of  
8 health and department of human services to maintain an inventory  
9 of all community-based care facilities licensed or certified  
10 under their jurisdiction and to maintain an up-to-date inventory  
11 of all vacancies within these facilities.

12           SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15           "§321- Community-based care facilities. The department  
16 shall maintain an inventory of all skilled nursing facilities,  
17 intermediate care facilities, adult foster homes, assisted  
18 living facilities, developmental disabilities domiciliary homes,  
19 special treatment facilities, therapeutic living programs, adult  
20 residential care homes, and adult mental health group homes  
21 licensed or certified under this chapter. The department shall



1 maintain a current list of all vacancies in these facilities in  
2 order to facilitate the placement of individuals therein."

3 SECTION 3. Chapter 346, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 "§346- Community-based foster care facilities. The  
7 department shall maintain an inventory of all community care  
8 foster family homes certified under this chapter and shall  
9 maintain a current list of vacancies in these facilities in  
10 order to facilitate the placement of individuals therein."

11 SECTION 4. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.

SB3219,SD1

**Report Title:**

Community-Based Care Facilities

**Description:**

Directs the departments of health and human services to maintain an inventory of all facilities licensed or certified under their jurisdiction and their vacancies to facilitate the placement of individuals in community-based facilities. (SD1)

