

JAN 19 2007

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 departments of
8 health and human services to maintain an inventory of all
9 community-based care facilities licensed or certified under
10 their jurisdiction and to maintain an up-to-date inventory of
11 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, assisted living facilities,
18 developmental disabilities domiciliary homes, special treatment
19 facilities, therapeutic living programs, adult residential care
20 homes, and adult mental health group homes licensed or certified
21 under this chapter. The department shall maintain a current
22 list of all vacancies in these facilities in order to facilitate



1 the placement of individuals therein. All skilled nursing
2 facilities, intermediate care facilities, assisted living
3 facilities, developmental disabilities domiciliary homes,
4 special treatment facilities, therapeutic living programs, adult
5 residential care homes, and adult mental health group homes
6 licensed or certified under this chapter shall report vacancy
7 information to the department on a regular basis."

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

11 "§346- Community-based foster care facilities. The
12 department shall maintain an inventory of all community care
13 foster family homes certified under this chapter and shall
14 maintain a current list of vacancies in these facilities in
15 order to facilitate the placement of individuals therein. All
16 community care foster family homes certified under this chapter
17 shall report vacancy information to the department on a regular
18 basis."

19 SECTION 4. New statutory material is underscored.

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

21

INTRODUCED BY:

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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.

