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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 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, adult foster homes, and adult mental health group homes  
 21 licensed or certified under this chapter. The department shall  
 22 maintain a current list of all vacancies in these facilities in



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

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

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

20 SECTION 4. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$ , or so  
22 much thereof as may be necessary for fiscal year 2007-2008, and



1 the same sum, or so much thereof as may be necessary for fiscal  
2 year 2008-2009, for the department to contract out services to  
3 carry out the purpose of this Act.

4 The sums appropriated shall be expended by the Department  
5 of Human Services for the purposes of this Act.

6 SECTION 5. New statutory material is underscored.

7 SECTION 6. This Act shall take effect on July 1, 2008;  
8 provided that section 4 shall take effect on July 1, 2007.



**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)

