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## A BILL FOR AN ACT

RELATING TO EXPANDED 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 of health shall adopt rules regarding  
4 expanded adult residential care homes in accordance with chapter  
5 91 that shall implement a social model of health care designed  
6 to:

7           (1) Protect the health, safety, civil rights, and rights  
8 of choice of residents in a nursing facility or in  
9 home- or community-based care;

10          (2) Provide for the licensing of expanded adult  
11 residential care homes for persons who are certified  
12 by the department of human services, a physician,  
13 advanced practice registered nurse, or registered  
14 nurse case manager as requiring skilled nursing  
15 facility level or intermediate care facility level of  
16 care who have no financial relationship with the home  
17 care operator or facility staff; provided that the  
18 rules shall allow group living in the following two



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

3 (A) A type I home shall consist of five or fewer  
4 residents with no more than [~~two~~] three nursing  
5 facility level residents; provided that more  
6 nursing facility level residents may be allowed  
7 at the discretion of the department; and provided  
8 further that up to six residents may be allowed  
9 at the discretion of the department to live in a  
10 type I home; provided that the primary caregiver  
11 or home operator is a certified nurse aide who  
12 has completed a state-approved training program  
13 and other training as required by the department;  
14 and

15 (B) A type II home shall consist of six or more  
16 residents, with no more than twenty per cent of  
17 the home's licensed capacity as nursing facility  
18 level residents; provided that more nursing  
19 facility level residents may be allowed at the  
20 discretion of the department;

21 provided further that the department shall exercise  
22 its discretion for a resident presently residing in a



1 type I or type II home, to allow the resident to  
 2 remain as an additional nursing facility level  
 3 resident based upon the best interests of the  
 4 resident. The best interests of the resident shall be  
 5 determined by the department after consultation with  
 6 the resident, the resident's family, primary  
 7 physician, case manager, primary caregiver, and home  
 8 operator;

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

11 (4) Provide penalties for the failure to comply with any  
 12 rule."


13 SECTION 2. Statutory material to be repealed is bracketed  
 14 and stricken. New statutory material is underscored.

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

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HB HMS 2010-1072  
  
 JAN 20 2010

**Report Title:**

Expanded Adult Residential Care Homes; Population

**Description:**

Increases capacity from two to three nursing facility level residents in Type I Expanded Adult Residential Care Homes.

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