



**GOV. MSG. NO. 578**

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

May 18, 2010

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 18, 2010, the following bill was signed into law:

HB2157 HD1 SD1 CD1

A BILL FOR AN ACT  
RELATING TO EXPANDED ADULT RESIDENTIAL  
CARE HOMES.  
**ACT 120 (10)**

Sincerely,

A handwritten signature in black ink, appearing to read "L. Lingle".

LINDA LINGLE

# 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. The department of health shall submit reports  
14 to the legislature, including findings and recommendations,  
15 regarding the effect of the increased capacity of type I  
16 expanded adult residential care homes, as follows:

17 (1) An interim report to be submitted no later than twenty  
18 days prior to the convening of the regular session of  
19 2011; and

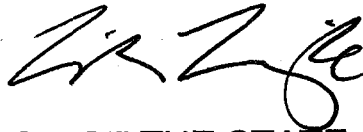
20 (2) A final report, including any recommendations for  
21 extension, to be submitted no later than twenty days  
22 prior to the convening of the regular session of 2013.



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval  
4 and shall be repealed on June 30, 2013.

APPROVED this 18 day of MAY, 2010



GOVERNOR OF THE STATE OF HAWAII

