
A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

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

1 SECTION 1. The legislature finds that the growth rate of
2 the elderly population in the State, those persons sixty-five
3 years and older, is expected to accelerate. The United States
4 Bureau of the Census reports that the proportion of Hawaii's
5 population classified as elderly is expected to increase from
6 12.6 per cent in 1995 to 15.9 per cent in 2025. The increasing
7 proportion of the elderly population requires that the State
8 take action to anticipate and prepare for the future health care
9 needs of Hawaii's population.

10 The United States Congress has already recognized the need
11 for health care reform and enacted the Affordable Care Act in
12 2010. The Affordable Care Act was created to improve health
13 care in America by establishing a competitive health insurance
14 market, ending discrimination against pre-existing health
15 conditions, expanding medicaid coverage, enhancing the quality
16 of health care, and reducing health care fraud and waste. One
17 organizational change that could improve government efficiency
18 and health care in Hawaii is the consolidation of certain health



1 care services that are currently managed by the department of
2 health and the department of human services.

3 The legislature finds that the department of health has
4 already established an office of health care assurance that
5 manages state licensing and federal certification of medical and
6 health care facilities, agencies, and services provided
7 throughout the State to ensure compliance with established
8 standards of care. The legislature further finds that, given
9 the office's existing functions, the current health care
10 services provided by the department of human services and the
11 department of health should be consolidated under the
12 jurisdiction of the office of health care assurance to improve
13 the efficiency, capacity, and quality of state health care
14 services.

15 The purpose of this Act is to consolidate the authority,
16 duties, responsibilities, and jurisdiction of the department of
17 human services and the department of health, as they relate to
18 various health care services, to the office of health care
19 assurance in the department of health on July 1, 2013.

20 SECTION 2. Beginning July 1, 2013, all rights, powers,
21 functions, and duties of the following shall be transferred to
22 the office of health care assurance in the department of health:



- 1 (1) The department of human services relating to:
 - 2 (A) Home and community-based case management;
 - 3 (B) Community care foster family homes; and
 - 4 (C) Adult day care; and
- 5 (2) The department of health relating to:
 - 6 (A) Adult residential care homes;
 - 7 (B) Expanded adult residential care homes;
 - 8 (C) Developmentally disabled domiciliary homes;
 - 9 (D) Hospitals;
 - 10 (E) Nursing homes;
 - 11 (F) Dialysis;
 - 12 (G) Home health;
 - 13 (H) Home care;
 - 14 (I) Federally qualified health centers;
 - 15 (J) Adult day health;
 - 16 (K) Mental health license crisis centers;
 - 17 (L) Hospice;
 - 18 (M) Free standing ambulatory surgery centers; and
 - 19 (N) Family caregivers.

20 SECTION 3. All officers and employees whose functions are
21 transferred by this Act shall be transferred with their
22 functions and shall continue to perform their regular duties



1 upon their transfer, subject to the state personnel laws and
2 this Act.

3 No officer or employee of the State having tenure shall
4 suffer any loss of salary, seniority, prior service credit,
5 vacation, sick leave, or other employee benefit or privilege as
6 a consequence of this Act, and the officer or employee may be
7 transferred or appointed to a civil service position without the
8 necessity of examination; provided that the officer or employee
9 possesses the minimum qualifications for the position to which
10 transferred or appointed; and provided that subsequent changes
11 in status may be made pursuant to applicable civil service and
12 compensation laws.

13 An officer or employee of the State who does not have
14 tenure and who may be transferred or appointed to a civil
15 service position as a consequence of this Act shall become a
16 civil service employee without the loss of salary, seniority,
17 prior service credit, vacation, sick leave, or other employee
18 benefits or privileges and without the necessity of examination;
19 provided that the officer or employee possesses the minimum
20 qualifications for the position to which transferred or
21 appointed.



1 If an office or position held by an officer or employee
2 having tenure is abolished, the officer or employee shall not
3 thereby be separated from public employment, but shall remain in
4 the employment of the State with the same pay and classification
5 and shall be transferred to some other office or position for
6 which the officer or employee is eligible under the personnel
7 laws of the State as determined by the head of the department or
8 the governor.

9 SECTION 4. All appropriations, records, equipment,
10 machines, files, supplies, contracts, books, papers, documents,
11 maps, and other personal property heretofore made, used,
12 acquired, or held by the department of human services relating
13 to the functions transferred to the office of health care
14 assurance in the department of health shall be transferred with
15 the functions to which they relate.

16 SECTION 5. All unencumbered moneys deposited in any
17 revolving or special fund controlled by the department of human
18 services relating to the functions transferred to the office of
19 health care assurance in the department of health shall lapse to
20 the credit of the general fund.

21 SECTION 6. All rules, policies, procedures, guidelines,
22 and other material adopted or developed by the department of



1 human services to implement provisions of the Hawaii Revised
2 Statutes and which are reenacted or made applicable to the
3 office of health care assurance in the department of health by
4 this Act shall remain in full force and effect until amended or
5 repealed by the director of health pursuant to chapter 91,
6 Hawaii Revised Statutes. In the interim, every reference to the
7 department of human services or the director of human services
8 in those rules, policies, procedures, guidelines, and other
9 material is amended to refer to the department of health, office
10 of health care assurance, or the director of health, as
11 appropriate.

12 SECTION 7. All deeds, leases, contracts, loans,
13 agreements, permits, or other documents executed or entered into
14 by or on behalf of the department of human services pursuant to
15 the provisions of the Hawaii Revised Statutes that are reenacted
16 or made applicable to the office of health care assurance in the
17 department of health by this Act, shall remain in full force and
18 effect. From July 1, 2013, every reference to the department of
19 human services or the director of human services therein shall
20 be construed as a reference to the department of health, office
21 of health care assurance, or the director of health, as
22 appropriate.



1 SECTION 8. The legislative reference bureau shall prepare
2 proposed legislation that substitutes references made to the
3 "department of human services" or the "director of human
4 services" with the "office of health care assurance",
5 "department of health", or "director of health", as appropriate.
6 The legislative reference bureau shall also prepare proposed
7 legislation that substitutes references to any specific section
8 or part of chapters 321, 334, and 346, Hawaii Revised Statutes,
9 with the correct corresponding references or referring language,
10 as appropriate.

11 The legislative reference bureau shall submit the proposed
12 legislation to the legislature no later than twenty days prior
13 to the convening of the 2013 regular session.

14 SECTION 9. If any part of this Act is found to be in
15 conflict with federal requirements that are a prescribed
16 condition for the allocation of federal funds to the State, the
17 conflicting part of this Act is inoperative solely to the extent
18 of the conflict and with respect to the agencies directly
19 affected, and this finding does not affect the operation of the
20 remainder of this Act in its application to the agencies
21 concerned. The rules in effect as a result of this Act shall



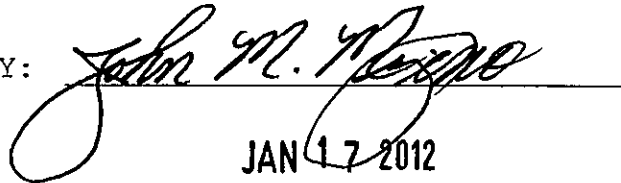
1 meet federal requirements that are a necessary condition to the
2 receipt of federal funds by the State.

3 SECTION 10. The department of health and the department of
4 human services shall collaborate to implement the transfers and
5 transitions required under this Act with as little disruption to
6 ongoing duties, responsibilities, and public services provided.

7 SECTION 11. This Act shall take effect on July 1, 2013.

8

INTRODUCED BY:


JAN 17 2012



H.B. NO. 1911

Report Title:

Health Care Services; Consolidation; Office of Health Care Assurance

Description:

Consolidates the authority, duties, responsibilities, and jurisdiction of the department of human services and the department of health, as they relate to various health care services, to the office of health care assurance in the department of health on 7/1/13.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

