



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 27, 2013

GOV. MSG. NO. 1316

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 27, 2013, the following bill was signed into law:

HB120 HD2 SD2 CD1

RELATING TO HEALTH
ACT 213 (13)

Aloha
Sincerely,
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

on JUN 27 2013

HOUSE OF REPRESENTATIVES
TWENTY-SEVENTH LEGISLATURE, 2013
STATE OF HAWAII

ACT 213

H.B. NO. 120
H.D. 2
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that the department of
2 health is responsible for licensing, certifying, and monitoring
3 several types of care facilities. Although the department
4 performs inspections to ensure a standard of quality of these
5 facilities using state moneys, the public currently cannot
6 easily access the information contained in the inspection
7 reports. The legislature finds that the public would benefit
8 from greater access to information on the quality and conditions
9 of care facilities in Hawaii.

10 The purpose of this Act is to require the department of
11 health to make available to the public, free of charge,
12 information collected from the department's inspections in
13 certain care facilities and establish a working group to develop
14 a new inspection form to be posted online with information that
15 is fair to care home operators and useful to the public.

16 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
17 amended by adding a new section to part I to be appropriately
18 designated and to read as follows:

HB120 CD1 HMS 2013-3643



1 "§321- Inspections; public notice. (a) Beginning with
2 inspections occurring on January 1, 2015, the department of
3 health shall post on its website electronic copies of reports
4 for all inspections it performs of the following state-licensed
5 care facilities:

- 6 (1) Adult day health centers;
7 (2) Adult day care centers;
8 (3) Community care foster family homes;
9 (4) Developmental disabilities domiciliary homes as
10 defined in section 321-15.9;
11 (5) Developmentally disabled adult foster homes;
12 (6) Long-term care facilities as defined in section
13 349-21(f); and
14 (7) Special treatment facilities as defined in section
15 334-1.

16 (b) Each report shall be posted on the department of
17 health's website within five working days of the conclusion of
18 each inspection and shall include the following information:

- 19 (1) The date of the inspection;
20 (2) A description of violations of relevant state laws or
21 rules, if applicable;



- 1 (3) Plans of correction and the status of corrective
2 actions in response to any violations, if applicable;
3 (4) A list and description of all corrective actions taken
4 by the facility, if applicable, to be submitted by the
5 facility and added to the report at a later time, as
6 determined by the department; and
7 (5) Other information regarding the quality and conditions
8 of the facility the department of health deems
9 appropriate.

10 (c) Each report posted on the department of health's
11 website that reports a violation committed by a state-licensed
12 care facility as described in subsection (a) shall be removed
13 from the website after three years from the date the report was
14 posted."

15 SECTION 3. (a) There is established under the department
16 of health for administrative purposes a working group on
17 licensed care facilities.

18 (b) The working group shall develop an inspection form to
19 be posted online with information that is fair to the care home
20 operators and useful to the public. The inspection form shall
21 maintain the necessary objectivity and clarity in presenting
22 relevant information to consumers.



1 (c) The following individuals or their designees shall
2 serve as members of the working group:

- 3 (1) The director of health, who shall serve as the
4 chairperson of the working group;
- 5 (2) The director of commerce and consumer affairs;
- 6 (3) The chief information officer of the office of
7 information management and technology;
- 8 (4) The director of the executive office on aging; and
- 9 (5) The long-term care ombudsman.

10 (d) The director of health shall invite representatives
11 from the following to also serve as members of the working
12 group:

- 13 (1) Major caregiver provider groups from the state-
14 licensed care facilities specified under section
15 321- (a), Hawaii Revised Statutes; and
- 16 (2) Advocacy groups.

17 Members of the working group shall serve without compensation
18 and without reimbursement for expenses.

19 (e) The working group shall report its findings and
20 recommendations to the legislature no later than twenty days
21 prior to the convening of the regular session of 2014.

22 (f) The working group shall be dissolved on June 30, 2014.



1 SECTION 4. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$74,000 or so much
3 thereof as may be necessary for fiscal year 2013-2014 and the
4 same sum or so much thereof as may be necessary for fiscal year
5 2014-2015 to fund computer equipment, website and database
6 development, and staff support, including two full-time
7 equivalent positions (2.0 FTE).

8 The sums appropriated shall be expended by the department
9 of health for the purposes of this Act.

10 SECTION 5. New statutory material is underscored.

11 SECTION 6. This Act shall take effect on July 1, 2013.

APPROVED this 27 day of JUN, 2013


GOVERNOR OF THE STATE OF HAWAII

