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## A BILL FOR AN ACT

RELATING TO CERTIFICATION AND LICENSURE FEES.

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

1           SECTION 1. The legislature finds that the department of  
2 human services continues to experience growth in enrollment  
3 across its programs. Since 2008, enrollment in the temporary  
4 assistance for needy families and temporary assistance for other  
5 needy families programs has increased approximately nineteen per  
6 cent and the number of general assistance beneficiaries has  
7 increased by twenty-four per cent. Enrollment in the department  
8 of human services' programs is expected to continue to rise.

9           The legislature finds that other state governments charge  
10 fees for licensures and certifications as revenue-producing  
11 activities to offset their human services budget deficits.

12           The department of human services and the department of  
13 health are working towards consolidating major oversight  
14 functions within the department of health, including licensing  
15 and certification functions for community care foster family  
16 homes, community case management agencies, and adult day care  
17 centers in the State. The department of human services, which  
18 retains oversight and major functions of those programs until



1 July 1, 2014, is required by this Act to set the fees for the  
2 licensing and certification functions.

3 The legislature further finds that the establishment of  
4 specific fee schedules for specific programs will facilitate a  
5 smooth transition of major functions from the department of  
6 human services to the department of health services by July 1,  
7 2014, and will provide the department of health with an  
8 immediate basis for collection of licensure and certification  
9 fees.

10 SECTION 2. Chapter 346, Hawaii Revised Statutes, is  
11 amended by adding a new section to be appropriately designated  
12 and to read as follows:

13 "§346- Fee assessments. As part of any plan for the  
14 transfer of jurisdiction over community-based case management  
15 agencies, community care foster family homes, and adult day care  
16 centers from the department of human services to the department  
17 of health pursuant to Act 93, Session Laws of Hawaii 2012, the  
18 director of human services shall determine reasonable fees to be  
19 assessed for certification, licensure, certification renewal, or  
20 license renewal for certified or licensed providers of home and  
21 community-based case management, community care foster family  
22 home, and adult day care center services. The department of



1 health shall adopt such fees by rule pursuant to chapter 91 to  
2 be effective as of July 1, 2014."

3 SECTION 3. Section 346-46, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§346-46 Certified nurse aides; training programs and**  
6 **recertification.** The director shall:

- 7 (1) Approve training programs for nurse aides and ensure  
8 that the training programs comply with all applicable  
9 federal and state requirements;
- 10 (2) Approve and arrange for the recertification process  
11 for nurse aides who work in medicare or medicaid  
12 certified nursing facilities;
- 13 (3) Approve and arrange for the recertification process  
14 for nurse aides who work in state-licensed or state-  
15 certified health care settings; [~~and~~]
- 16 (4) Require recertification not less than every two years.  
17 The number of continuing education hours required for  
18 recertification shall not exceed twenty-four hours,  
19 except as specified by federal law[-] and
- 20 (5) Set and collect fees for training and recertification  
21 of nurse aides pursuant to this section."



1 SECTION 4. Section 2 of Act 93, Session Laws of Hawaii  
2 2012, is amended as follows:

3 1. By amending subsection (b) of section 321-B to read:

4 "(b) The department shall adopt rules pursuant to chapter  
5 91 relating to:

6 (1) Standards for the organization and administration of  
7 home and community-based case management agencies;

8 (2) Standards of conditions, management, and competence of  
9 home and community-based case management agencies;

10 (3) Procedures for obtaining and renewing a license from  
11 the department; ~~and~~

12 (4) Minimum grievance procedures for clients of case  
13 management services ~~[-]~~; and

14 (5) Procedures for the collection of fees in the amount  
15 determined by the director of human services pursuant  
16 to section 346- for issuance or renewal of a  
17 license pursuant to this section."

18 2. By amending subsection (b) of section 321-C to read:

19 "(b) The department shall adopt rules pursuant to chapter  
20 91 relating to:

21 (1) Standards of conditions and competence for the  
22 operation of community care foster family homes;



- 1           (2) Procedures for obtaining and renewing a certificate of  
2           approval from the department;
- 3           (3) Minimum grievance procedures for clients of community  
4           care foster family home services; [~~and~~]
- 5           (4) Requirements for primary and substitute caregivers  
6           caring for three clients in community care foster  
7           family homes including:
  - 8           (A) Mandating that primary and substitute caregivers  
9           be twenty-one years of age or older;
  - 10           (B) Mandating that primary and substitute caregivers  
11           complete a minimum of twelve hours of continuing  
12           education every twelve months or at least twenty-  
13           four hours of continuing education every twenty-  
14           four months;
  - 15           (C) Allowing the primary caregiver to be absent from  
16           the community care foster family home for no more  
17           than twenty-eight hours in a calendar week, not  
18           to exceed five hours per day; provided that the  
19           substitute caregiver is present in the community  
20           care foster family home during the primary  
21           caregiver's absence;



1 (D) Where the primary caregiver is absent from the  
2 community care foster family home in excess of  
3 the hours as prescribed in subparagraph (C),  
4 mandating that the substitute caregiver be a  
5 certified nurse aide; and

6 (E) Mandating that the substitute caregiver have, at  
7 a minimum, one year prior work experience as a  
8 caregiver in a community residential setting or  
9 in a medical facility[-]; and

10 (5) Procedures for the collection of fees in the amount  
11 determined by the director of human services pursuant  
12 to section 346- for issuance or renewal of a  
13 certificate of approval pursuant to this section."

14 3. By amending section 321-H to read:

15 "**§321-H Day care centers for disabled and aged persons.**

16 The department shall be responsible for the recruitment and  
17 licensing of day care centers for elder disabled and aged  
18 persons. The department shall collect fees in the amount  
19 determined by the director of human services pursuant to section  
20 346- , for issuance or renewal of licenses for adult day care  
21 centers pursuant to this section. The department shall adopt  
22 any necessary rules, regulations, and minimum standards to



1 protect the best interests of adults receiving care in day care  
2 centers. The rules and regulations shall have the force and  
3 effect of law and shall be administered by the department."

4 SECTION 5. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

Mel Carnoel

GIL

Jim Mann  
Don

[Signature]

OS

Linda Chizama

Gary Tom

[Signature]

[Signature]

[Signature]



# H.B. NO. 1208

**Report Title:**

Department of Human Services; Licensing and Certification Fees

**Description:**

Requires DHS to establish fees for certain programs transferred to DOH. Requires DOH to collect the same fees after the programs transfer from DHS to DOH. Requires DHS to set and collect fees for training and recertification of nurse aides. Effective July 1, 2013.

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

