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# 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 and the department of human services are responsible for  
3 licensing, certifying, and monitoring several types of care  
4 facilities. Although the departments perform inspections to  
5 ensure a certain standard of quality for facilities that use  
6 state moneys, the public currently cannot easily access the  
7 information contained in the inspection reports. The  
8 legislature finds that the public would benefit from greater  
9 access to information on the quality and conditions of care  
10 facilities in Hawaii.

11           The purpose of this Act is to allow the department of  
12 health and the department of human services to make available to  
13 the public, information collected from the departments'  
14 inspections of certain care facilities in which a major patient  
15 care related violation was discovered.

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:



1           "§321-       Inspections; public notice. (a) Beginning on  
2 January 1, 2015, the department of health may post on its  
3 website information concerning a major patient care violation  
4 when the order specifying the violation is final and the  
5 violation was discovered in the following state-licensed care  
6 facilities:

- 7           (1) An adult day health center;  
8           (2) A developmental disabilities domiciliary home as  
9           defined in section 321-15.9;  
10          (3) A developmentally disabled adult foster home;  
11          (4) A long-term care facility as defined in section 349-  
12          21(f); or  
13          (5) A special treatment facility as defined in section  
14          334-1.

15          (b) Information may be posted on the department of  
16 health's website within            days after the order specifying  
17 the major patient care violation became final and shall include  
18 but not be limited to the following information:

- 19          (1) The date that the order specifying the major patient  
20          care violation became final;  
21          (2) A description of violations of relevant state laws or  
22          rules; and



1        (3) Plans of correction and the status of corrective  
2        actions in response to any major patient care  
3        violations.

4        (c) For purposes of this section "major patient care  
5        violation" means any violation in which there is gross  
6        negligence, wilful and wanton misconduct, or intentional  
7        misconduct, including financial abuse."

8        SECTION 3. Chapter 346, Hawaii Revised Statutes, is  
9        amended by adding a new section to part XIV to be appropriately  
10       designated and to read as follows:

11        **"§346- Inspections; public notice.** (a) Beginning on  
12        January 1, 2015, the department of human services may post on  
13        its website information concerning a major patient care  
14        violation when the order specifying the violation is final and  
15        discovered in an adult day care center or community care foster  
16        family home as that term is defined in subsection (c).

17        (b) Information may be posted on the department of human  
18        services' website within            days after the order specifying  
19        the major patient care violation became final and shall include  
20        but not be limited to the following information:

21        (1) The date that the order specifying the major patient  
22        care violation became final;



1        (2) A description of the major patient care violation of  
2            relevant state laws or rules; and

3        (3) Plans of correction and the status of corrective  
4            actions in response to any violations.

5        (c) For purposes of this section:

6        "Community care foster family home" means a home that:

7        (1) Is regulated by the department in accordance with  
8            rules that are equitable in relation to rules that  
9            govern expanded adult residential care homes;

10       (2) Is issued a certificate of approval by the department  
11           or its designee to provide, for a fee, twenty-four-  
12           hour living accommodations, including personal care  
13           and homemaker services, for not more than two adults  
14           at any one time, at least one of whom shall be a  
15           medicaid recipient, who are at the nursing facility  
16           level of care, who are unrelated to the foster family,  
17           and who are receiving the services of a licensed home  
18           and community-based case management agency; provided  
19           that the department, in its discretion, may certify a  
20           home for a third adult who is at the nursing level of  
21           care and a medicaid recipient; provided that the:



- 1           (A) Home has been certified and in operation for not
- 2           less than one year;
- 3           (B) Primary caregiver is a certified nurse aide, as
- 4           defined in section 457A-1.5, who has completed a
- 5           state-approved training program and other
- 6           training as required by the department; and
- 7           (C) Substitute caregiver is a nurse aide, as defined
- 8           in section 457A-1.5, who has completed a state-
- 9           approved training program and other training as
- 10           required by the department; and
- 11          (3) Does not include expanded adult residential care homes
- 12          or assisted living facilities, which shall continue to
- 13          be licensed by the department of health.
- 14          "Major patient care violation" means any violation in which
- 15          there is gross negligence, wilful and wanton misconduct, or
- 16          intentional misconduct, including financial abuse."
- 17          SECTION 4. New statutory material is underscored.
- 18          SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Care Facility Violations; Posting on Websites; DOH; DHS

**Description:**

Allows the Department of Health and the Department of Human Services to post on their respective websites information of all inspections in which major patient care violations were discovered at certain care facilities and the order specifying the violation is final. Effective July 1, 2050. (HB120 HD2)

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

