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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 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 the 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:



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; and

14 (2) Advocacy groups.

15 Members of the working group shall serve without compensation  
16 and without reimbursement for expenses.

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

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

21 SECTION 4. There is appropriated out of the general  
22 revenues of the State of Hawaii the sum of \$ or so

1 much thereof as may be necessary for fiscal year 2013-2014 and  
2 the same sum or so much thereof as may be necessary for fiscal  
3 year 2014-2015 to fund computer equipment, website and database  
4 development, and staff support, including full-time  
5 equivalent position ( FTE).

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

8 SECTION 5. New statutory material is underscored.

9 SECTION 6. This Act shall take effect on July 1, 2050.



**Report Title:**

Care Facility Violations; Posting on Websites; DOH; Working Group; Appropriation

**Description:**

Requires the department of health to post on its website reports of all inspections at state-licensed care facilities occurring on or after 01/01/15; provided that any report that includes a violation be removed from the website after three years.

Establishes a working group to develop a new inspection form to be posted online with information that is fair to the care home operators and useful to the public. Appropriates funds for equipment, website and database development, and staff support. Effective 07/01/2050. (SD2)

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

