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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 it is imperative  
2 that the State facilitate the placement of individuals with  
3 disabilities into community-based settings that can provide for  
4 their care, rather than into institutions. Since the United  
5 States Supreme Court decision in *Olmstead v. LC*, 527 U.S. 581  
6 (1999), the nationwide trend has been to deinstitutionalize  
7 individuals and attempt to provide for their care in community-  
8 based settings.

9           One obstacle that health care professionals and social  
10 workers face in their efforts to discharge patients from  
11 facilities, or to otherwise locate suitable community  
12 placements, is the lack of a central inventory of the facilities  
13 that have vacancies at any given time. This creates a very  
14 labor intensive process that requires numerous telephone calls  
15 to ascertain whether a facility has a vacancy.

16           A central database or clearinghouse with an up-to-date list  
17 of vacancies at community-based facilities would streamline and  
18 expedite the placement process.



1           The legislature further finds that although most adult care  
2 facilities will be regulated by the department of health by July  
3 1, 2014, currently, some facilities are regulated by the  
4 department of health and others are regulated by the department  
5 of human services. Further, current reporting requirements are  
6 inconsistent. Some types of facilities already are required to  
7 report vacancies to their respective regulatory agency, whereas  
8 others are not.

9           The purpose of this Act is to direct the departments of  
10 health and human services to maintain an inventory of all  
11 community-based care facilities licensed or certified under  
12 their respective jurisdictions and to maintain an up-to-date  
13 inventory of all vacancies within these facilities.

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

17           "§321-       Community-based care facilities. The department  
18 shall maintain an inventory of all skilled nursing facilities,  
19 intermediate care facilities, assisted living facilities,  
20 developmental disabilities domiciliary homes, special treatment  
21 facilities, therapeutic living programs, adult residential care  
22 homes, and adult independent group residences licensed or



1 certified under this chapter. The department shall maintain a  
2 current list of all vacancies in these facilities in order to  
3 facilitate the placement of individuals therein. All skilled  
4 nursing facilities, intermediate care facilities, assisted  
5 living facilities, developmental disabilities domiciliary homes,  
6 special treatment facilities, therapeutic living programs, adult  
7 residential care homes, and independent group residences  
8 licensed or certified under this chapter shall report vacancy  
9 information to the department on a regular basis."

10 SECTION 3. Chapter 321, Hawaii Revised Statutes, is  
11 amended by adding a new section to be appropriately designated  
12 and to read as follows:

13 **"§321- Community care foster family homes; reporting.**  
14 The department shall maintain an inventory of all community care  
15 foster family homes certified under this chapter and shall  
16 maintain a current list of vacancies in these facilities in  
17 order to facilitate the placement of individuals therein. All  
18 community care foster family homes certified under this chapter  
19 shall report vacancy information to the department on a regular  
20 basis."



1 SECTION 4. Chapter 346, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§346- Community care foster family homes; reporting.

5 The department shall maintain an inventory of all community care  
6 foster family homes certified under this chapter and shall  
7 maintain a current list of vacancies in these facilities in  
8 order to facilitate the placement of individuals therein. All  
9 community care foster family homes certified under this chapter  
10 shall report vacancy information to the department on a regular  
11 basis."

12 SECTION 5. New statutory material is underscored.

13 SECTION 6. This Act shall take effect upon its approval;  
14 provided that section 3 shall take effect on July 1, 2014;  
15 provided further that section 4 shall be repealed on July 1,  
16 2014.

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INTRODUCED BY:

*John M. Burns*  
*[Signature]*  
*Roy M. Hall*



# H.B. NO. 1429

**Report Title:**

Community-Based Care Facilities

**Description:**

Directs the Departments of Health and Human Services to maintain an inventory of all community-based care facilities licensed or certified under their jurisdiction and their vacancies to facilitate the placement of individuals in community-based facilities.

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

