
A BILL FOR AN ACT

RELATING TO CARE HOMES.

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

1 SECTION 1. 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- Care homes; liability; insurance; coverage. (a)

5 All operators of assisted living facilities as defined in
6 section 346-331, community care foster family homes as defined
7 in section 346-331, and expanded adult residential care homes as
8 defined in section 346-331 shall obtain and maintain liability
9 insurance with respect to their operation of such homes or
10 facilities in a coverage amount deemed sufficient and
11 appropriate by the department.

12 (b) The department shall adopt rules pursuant to chapter
13 91 to effectuate the purposes of this section."

14 SECTION 2. Section 321-11.2, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) The department of health is authorized to certify
17 adult foster homes for developmentally disabled individuals
18 requiring such care beyond the eighteenth birthday. "Adult



1 foster home" means a private home providing care on a twenty-
2 four hour basis for adults with developmental disabilities[-]
3 and intellectual disabilities. To be certified, an adult foster
4 home shall have not more than two adults with developmental
5 disabilities at the same time, who are unrelated to the foster
6 family. To accommodate residents of a foster boarding home for
7 children with developmental disabilities who reach the age of
8 eighteen years, where the home is certified as a foster boarding
9 home for children under section 346-17, the director of health
10 may waive the two adult limit for certification of that home as
11 an adult foster home, provided that: (1) the number of foster
12 children and adults in such dually certified home shall not
13 exceed five, and (2) no new adults may be admitted into the home
14 while there are any foster children residing in the home."

15 SECTION 3. Section 321-11.7, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[+]§321-11.7 **Care homes; liability insurance;**
18 **coverage. [+]** (a) All operators of adult foster homes under
19 section 321-11.2 operating under the waiver program with the
20 department of human services and adult residential care homes,
21 assisted living facilities, community care foster family homes,
22 and expanded adult residential care homes as defined in section



1 321-15.1 shall obtain and maintain liability insurance with
2 respect to their operation of the homes or facilities in a
3 coverage amount deemed sufficient and appropriate by the
4 department.

5 This section shall not apply to operators of adult foster
6 homes, adult residential care homes, assisted living facilities,
7 and expanded adult residential care homes that:

8 (1) Are operating under a contract with the department of
9 human services or the department of health; and

10 (2) Are in compliance with the liability insurance
11 coverage requirements of that contract.

12 (b) The department shall adopt rules pursuant to chapter
13 91 to effectuate the purposes of this section."

14 SECTION 4. 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- Care homes; liability insurance; coverage. (a)

18 All operators of adult foster homes under section 321-11.2
19 operating under the waiver program with the department of human
20 services and adult residential care homes, assisted living
21 facilities, community care foster family homes, as defined in
22 section 321-A of Act 93, Session Laws of Hawaii 2012, and



1 expanded adult residential care homes as defined in section 321-
2 15.1 shall obtain and maintain liability insurance with respect
3 to their operation of the homes or facilities in a coverage
4 amount deemed sufficient and appropriate by the department.

5 This section shall not apply to operators of adult foster
6 homes, adult residential care homes, assisted living facilities,
7 and expanded adult residential care homes that:

- 8 (1) Are operating under a contract with the department of
9 human services or the department of health; and
10 (2) Are in compliance with the liability insurance
11 coverage requirements of that contract.

12 (b) The department shall adopt rules pursuant to chapter
13 91 to effectuate the purposes of this section."

14 SECTION 5. Section 321-15.1, Hawaii Revised Statutes, is
15 amended by amending the definition of "adult residential care
16 home" to read as follows:

17 ""Adult residential care home" means any facility providing
18 twenty-four-hour living accommodations, for a fee, to adults
19 unrelated to the family, who require at least minimal assistance
20 in the activities of daily living, personal care services,
21 protection, and health care services, but who do not need the
22 professional health services provided in an intermediate,



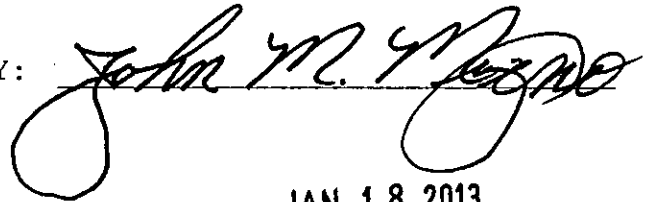
1 skilled nursing, or acute care facility. This shall include any
2 facility providing twenty-four-hour living accommodations, for a
3 fee, to adults with developmental or intellectual disabilities."

4 SECTION 6. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect upon its approval;
7 provided that section 4 shall take effect on July 1, 2014;
8 provided further that sections 1 and 3 shall be repealed on July
9 1, 2014.

10

INTRODUCED BY:



JAN 18 2013



H.B. NO. 529

Report Title:

Care Home Operators; Liability Insurance

Description:

Requires all operators of adult foster homes, assisted living facilities, expanded adult residential care homes, and community care foster family homes to hold a sufficient amount of liability insurance. Expands the definition of adult residential care home to include any facility that provides accommodations to adults with intellectual disabilities.

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

