

JAN 18 2013

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 standard of quality of these facilities using state
6 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 require the department of
12 health and the department of human services to make available to
13 the public, free of charge, information collected from the
14 departments' inspections in which a violation was discovered in
15 certain care facilities.

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
2 January 1, 2015, the department of health shall post on its
3 website electronic copies of reports for all inspections it
4 performs in which a violation was discovered in the following
5 state-licensed care facilities:

- 6 (1) Adult day health centers;
- 7 (2) Developmental disabilities domiciliary homes as
8 defined in section 321-15.9;
- 9 (3) Developmentally disabled adult foster homes;
- 10 (4) Long-term care facilities as defined in section
11 349-21(f); and
- 12 (5) Special treatment facilities as defined in section
13 334-1.

14 (b) Each report shall be posted on the department of
15 health's website within days of the conclusion of each
16 inspection and shall include but not be limited to the following
17 information:

- 18 (1) The date of the inspection;
- 19 (2) A description of violations of relevant state laws or
20 rules;
- 21 (3) Plans of correction and the status of corrective
22 actions in response to any violations; and



1 (4) Other information regarding the quality and conditions
2 of the facilities as the department of health deems
3 appropriate in informing the public of their care
4 options."

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

8 "§346- Inspections; public notice. (a) Beginning
9 January 1, 2015, the department of human services shall post on
10 its website electronic copies of reports for all inspections it
11 performs in which a violation was discovered in an adult day
12 care center and community care foster family home as that term
13 is defined in subsection (c).

14 (b) Each report shall be posted on the department of human
15 services' website within days of the conclusion of each
16 inspection and shall include but not be limited to the following
17 information:

18 (1) The date of the inspection;
19 (2) A description of violations of relevant state laws or
20 rules;
21 (3) Plans of correction and the status of corrective
22 actions in response to any violations; and



1 (4) Other information regarding the quality and conditions
2 of the facilities as the department of human services
3 deems appropriate in informing the public of their
4 care options.

5 (c) For purposes of this section, "community care foster
6 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 SECTION 4. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval.

16

INTRODUCED BY:

Rama Patel

Clerena K. Krishnan

Erzanne Ann Cleveland

D. D. Singh

Praveen K. Singh

Praveen K. Singh

Randy H. Bate



Michelle Sidani

S.B. NO. 358

Report Title:

Kupuna Caucus; DOH; DHS; Care Facilities; Inspections

Description:

Requires the department of health and the department of human services to post on their respective websites reports of all inspections in which a violation was discovered at certain care facilities by January 1, 2015.

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

