
A BILL FOR AN ACT

RELATING TO HOME CARE LICENSING.

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

1 SECTION 1. The legislature finds that home care is a
2 quickly expanding component of elderly care, largely because the
3 overwhelming majority of the growing elderly population prefers
4 to age in their homes in spite of disabilities they may have.
5 Home care enables the aging population to remain in their homes
6 by providing assistance with daily living activities and by
7 providing other related in-home care. The public must be
8 assured that home care agencies are meeting minimum standards
9 when delivering care. Because many elderly live alone and are
10 facing declining mental functions, the State must ensure that
11 Hawaii's elderly population is receiving the highest quality
12 care from home care providers.

13 In the special session of 2009, the legislature passed S.B.
14 No. 415, S.D. 2, H.D. 1, C.D. 1, which was enacted as Act 21,
15 Special Session Laws of Hawaii 2009. The purpose of Act 21 was
16 to protect consumers of home care services by requiring home
17 care agencies to be licensed. Act 21 designates the department
18 of health as the home care licensing agency. The department of



1 health has collaborated with home care agencies, consumer
2 advocates, and other stakeholders to draft the administrative
3 rules needed to implement licensing. The drafted rules are in
4 the last stage of the approval process.

5 The purpose of this Act is to:

6 (1) Extend by five years the repeal date of Act 21,
7 Special Session Laws of Hawaii 2009, which requires
8 home care agencies to be licensed by the department of
9 health; and

10 (2) Appropriate funds to establish one full-time
11 equivalent, permanent position in the department of
12 health to facilitate the licensing of home care
13 agencies; provided that it is not the intent of the
14 legislature that the position to be funded by moneys
15 in the office of health care assurance special fund
16 established by section 321-1.4, Hawaii Revised
17 Statutes.

18 SECTION 2. Act 21, Special Session Laws of Hawaii 2009, is
19 amended by amending section 8 to read as follows:

20 "SECTION 8. This Act shall take effect on July 1, 2009,
21 and shall be repealed on June 30, [~~2014~~] 2019; provided that
22 sections 321-11 and 321-11.5(b), Hawaii Revised Statutes, and



1 the definition of "healthcare facility" in section 321-15.2,
2 Hawaii Revised Statutes, shall be reenacted in the form in which
3 they read on June 30, 2009."

4 SECTION 3. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$ or so
6 much thereof as may be necessary for fiscal year 2014-2015 for
7 the establishment of one full-time equivalent (1.00 FTE)
8 permanent position in the department of health to facilitate the
9 licensing of home care agencies.

10 The sum appropriated shall be expended by the department of
11 health for the purposes of this Act.

12 SECTION 4. Beginning with fiscal year 2015-2016 and each
13 fiscal year thereafter, the department of health shall request
14 funding for the permanent position that facilitates the
15 licensing of home care agencies as part of its annual budget
16 request to the director of finance.

17 SECTION 5. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect on June 29, 2050;
20 provided that section 3 shall take effect on July 1, 2050.



Report Title:

Home Care Licensing; Appropriation

Description:

Extends by five years the repeal date of Act 21, Special Session Laws of Hawaii 2009, which requires the department of health to license home care agencies. Appropriates funds to establish a full-time equivalent permanent position in the Department of Health to facilitate the licensing of home care agencies. Effective June 29, 2050. (SD1)

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