
A BILL FOR AN ACT

RELATING TO CARE FACILITIES.

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

1 SECTION 1. Section 321-15.6, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) All adult residential care homes shall be licensed to
4 ensure the health, safety, and welfare of the individuals placed
5 therein. The department shall conduct unannounced visits, other
6 than the inspection for relicensing, to every licensed adult
7 residential care home and expanded adult residential care home
8 on an annual basis and at such intervals as determined by the
9 department to ensure the health, safety, and welfare of each
10 resident. Unannounced visits may be conducted during or outside
11 regular business hours. All inspections relating to follow-up
12 visits, visits to confirm correction of deficiencies, or visits
13 to investigate complaints or suspicion of abuse or neglect shall
14 be conducted unannounced during or outside regular business
15 hours. Annual inspections for relicensing may be conducted
16 during regular business hours or at intervals determined by the
17 department. Annual inspections for relicensing shall be



1 conducted with notice, unless otherwise determined by the
2 department.

3 Following any visit or inspection conducted under this
4 subsection, including visits to investigate complaints, the
5 department shall provide the licensee of the adult residential
6 care home or expanded adult residential care home, as the case
7 may be, with a list of any deficiencies in the operation of the
8 care home detected by the visit or inspection. Within thirty
9 working days of receiving the list of deficiencies, the licensee
10 shall return a written corrective action plan to address the
11 cited deficiencies, including preventive measures to ensure
12 compliance with this chapter and the time frame in which the
13 corrections shall take place. The department shall approve or
14 revise the corrective action plan within thirty working days of
15 receiving the plan."

16 SECTION 2. Act 93, Session Laws of Hawaii 2012, is amended
17 by amending section 321-C in section 2 of the Act to read as
18 follows:

19 "§321-C Community care foster family home, authority over
20 and evaluation of. (a) Any person in any household who wants
21 to take in, for a fee, any adult who is at the nursing facility
22 level of care and who is unrelated to anyone in the household,



1 for twenty-four hour living accommodations, including personal
2 care and homemaker services, may do so only after the household
3 meets the required standards established for certification and
4 obtains a certificate of approval from the department or its
5 designee.

6 (b) The department shall adopt rules pursuant to chapter
7 91 relating to:

- 8 (1) Standards of conditions and competence for the
9 operation of community care foster family homes;
- 10 (2) Procedures for obtaining and renewing a certificate of
11 approval from the department;
- 12 (3) Minimum grievance procedures for clients of community
13 care foster family home services; and
- 14 (4) Requirements for primary and substitute caregivers
15 caring for three clients in community care foster
16 family homes including:
 - 17 (A) Mandating that primary and substitute caregivers
18 be twenty-one years of age or older;
 - 19 (B) Mandating that primary and substitute caregivers
20 complete a minimum of twelve hours of continuing
21 education every twelve months or at least twenty-



1 four hours of continuing education every twenty-
2 four months;

3 (C) Allowing the primary caregiver to be absent from
4 the community care foster family home for no more
5 than twenty-eight hours in a calendar week, not
6 to exceed five hours per day; provided that the
7 substitute caregiver is present in the community
8 care foster family home during the primary
9 caregiver's absence;

10 (D) Where the primary caregiver is absent from the
11 community care foster family home in excess of
12 the hours as prescribed in subparagraph (C),
13 mandating that the substitute caregiver be a
14 certified nurse aide; and

15 (E) Mandating that the substitute caregiver have, at
16 a minimum, one year prior work experience as a
17 caregiver in a community residential setting or
18 in a medical facility.

19 (c) As a condition for obtaining a certificate of
20 approval, community care foster family homes shall comply with
21 rules adopted under subsection (b) and satisfy the background



1 check requirements under section 321-D. The department or its
2 designee may deny a certificate of approval if:

3 (1) An operator or other adult residing in the community
4 care foster family home, except for adults receiving
5 care, has been convicted of a crime other than a minor
6 traffic violation involving a fine of \$50 or less;

7 (2) The department or its designee finds that the criminal
8 history record of an operator or other adult residing
9 in the home, except for adults receiving care, poses a
10 risk to the health, safety, or well-being of adults in
11 care; or

12 (3) An operator or other adult residing in the community
13 care foster family home, except for adults receiving
14 care, is a perpetrator of abuse as defined in section
15 346-222.

16 (d) Upon approval of a community care foster family home,
17 the department or its designee shall issue a certificate of
18 approval that shall continue in force for one year, or for two
19 years if a community care foster family home has been certified
20 for at least one year and is in good standing pursuant to
21 standards adopted by the department, unless sooner suspended or
22 revoked for cause. The department or its designee shall renew



1 the certificate of approval only if, after an annual or biennial
2 evaluation, the home continues to meet the standards required
3 for certification.

4 (e) Any community care foster family home shall be subject
5 to investigation by the department or its designee at any time
6 and in the manner, place, and form as provided in procedures to
7 be established by the department.

8 (f) The department or its designee may suspend or revoke a
9 certificate of approval if the department or its designee deems
10 that a community care foster family home is unwilling or unable
11 to comply with the rules adopted under subsection (b); provided
12 that:

13 (1) The suspension or revocation shall be immediate when
14 conditions exist that constitute an imminent danger to
15 the life, health, or safety of adults receiving care;

16 (2) A community care foster family home whose certificate
17 of approval has been suspended or revoked shall
18 immediately notify its clients and their case
19 managers;

20 (3) A community care foster family home whose certificate
21 of approval has been suspended or revoked may appeal
22 to the department through its established process, but



1 the appeal shall not stay the suspension or
2 revocation;

3 (4) A suspended or revoked certificate of approval may be
4 reinstated if the department or its designee deems
5 that the home is willing and able to comply with the
6 rules adopted under subsection (b); and

7 (5) A revoked certificate of approval shall be restored
8 only after a new application for a certificate of
9 approval is submitted to the department or its
10 designee and approved.

11 (g) Any community care foster family home shall be subject
12 to monitoring and evaluation by the department or its designee
13 for certification compliance and quality assurance on an annual
14 or biennial basis.

15 (h) Following any inspection conducted pursuant to
16 subsection (e) or (g), including visits to investigate
17 complaints, the department shall provide the operator of the
18 community care foster family home with a list of any
19 deficiencies in the operation of the home detected by the
20 inspection. Within thirty working days of receiving the list of
21 deficiencies, the operator shall return a written corrective
22 action plan to address the cited deficiencies, including



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1 preventive measures to ensure compliance with this chapter and
2 the time frame in which the corrections shall take place. The
3 department shall approve or revise the corrective action plan
4 within thirty working days of receiving the plan."

5 SECTION 3. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on June 30, 2014.

7

INTRODUCED BY:



JAN 21 2014



H.B. NO. 2131

Report Title:

Department of Health; Adult Residential Care Homes; Community Care Foster Family Homes; Inspections; Investigations of Complaints; Time Limits

Description:

Requires adult residential care homes and community care foster family homes to submit corrective action plans in response to deficiencies detected in DOH inspections within a specified time frame. Establishes the time frame for DOH to approve or revise corrective action plans.

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