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## 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[-] and intellectual disabilities. To be certified, an adult foster  
3 home shall have not more than two adults with developmental  
4 disabilities at the same time, who are unrelated to the foster  
5 family. To accommodate residents of a foster boarding home for  
6 children with developmental disabilities who reach the age of  
7 eighteen years, where the home is certified as a foster boarding  
8 home for children under section 346-17, the director of health  
9 may waive the two adult limit for certification of that home as  
10 an adult foster home, provided that: (1) the number of foster  
11 children and adults in such dually certified home shall not  
12 exceed five, and (2) no new adults may be admitted into the home  
13 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. Section 321-11.7, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 " **[+]§321-11.7 Care homes; liability insurance;**

17 **coverage.[+]** (a) All operators of adult foster homes under  
18 section 321-11.2 operating under the waiver program with the  
19 department of human services and adult residential care homes,  
20 assisted living facilities, community care foster family homes,  
21 as defined in section 321-A of Act 93, Session Laws of Hawaii  
22 2012, and expanded adult residential care homes as defined in



1 section 321-15.1 shall obtain and maintain liability insurance  
2 with 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 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,



# H.B. NO. 383

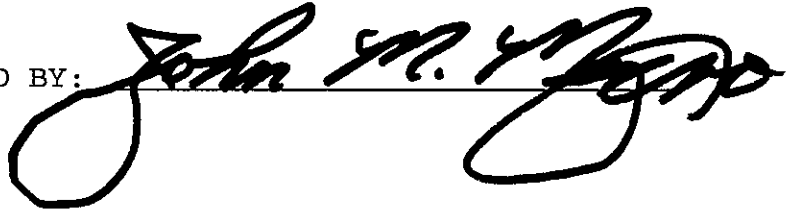
1 skilled nursing, or acute care facility. This shall include any  
2 facility providing twenty-four-hour living accommodations, for a  
3 fee, to adults with developmental or intellectual disabilities."

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. 383

**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.*

