

---

---

## A BILL FOR AN ACT

RELATING TO INSPECTIONS.

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

1           SECTION 1. The legislature finds that orderly and  
2 coordinated inspections of long-term care facilities is in the  
3 best interests of the public and any potentially-affected  
4 stakeholders. The legislature further finds that the elderly or  
5 disabled residents of these long-term care facilities have  
6 rights to privacy and to be free of unwarranted and unwanted  
7 government intrusion. The legislature believes that these  
8 individuals deserve to be treated with respect and granted peace  
9 and quiet.

10           The legislature recognizes that it would be more efficient  
11 and beneficial for the department of health to spend its  
12 resources meeting and establishing a dialogue with the operators  
13 of the affected long-term care facilities, thus creating an  
14 opportunity for the operators of these facilities to learn from  
15 the department's inspectors. Further, the legislature notes  
16 that unannounced inspections are a misuse of State resources



1 when the operator of an affected long-term care facility is not  
2 present for the inspection.

3 Accordingly, the purpose of this Act is to require the  
4 department of health to provide at least two hours notice to  
5 long-term care facilities prior to unannounced visits and  
6 inspections.

7 SECTION 2. Section 321-1.9, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

9 "(a) The department of health shall conduct unannounced  
10 visits and inspections, including inspections for relicensing or  
11 recertification, for the following state-licensed or state-  
12 certified care facilities on an annual basis and at such  
13 intervals as determined by the department to ensure the health,  
14 safety, and welfare of each resident:

- 15 (1) Adult day health centers;
- 16 (2) Adult day care centers;
- 17 (3) Community care foster family homes;
- 18 (4) Developmental disabilities domiciliary homes;
- 19 (5) Adult foster homes;
- 20 (6) Long-term care facilities, including but not limited  
21 to:



- 1 (A) Adult residential care homes;
- 2 (B) Expanded adult residential care homes;
- 3 (C) Assisted living facilities;
- 4 (D) Intermediate care facilities;
- 5 (E) Nursing facilities; and
- 6 (F) Skilled nursing facilities; and
- 7 (7) Special treatment facilities[-];

8 provided that the department shall provide any facility that is  
 9 to be the subject of an unannounced visit or inspection with  
 10 notice of the visit or inspection at least two hours before the  
 11 visit or inspection."

12 SECTION 3. Statutory material to be repealed is bracketed  
 13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on July 1, 2019.  
 15

INTRODUCED BY:

Calvin K. Ray

aida T. P. Cabanilla Yanabot

Linda Lehman

Richard Long

John M. ...

John M. ...

JAN 24 2019

# H.B. NO. 1393

**Report Title:**

DOH; Long-Term Care Facilities; Visits; Inspections; Notice

**Description:**

Requires the Department of Health to notify the operators of long-term care facilities of unannounced visits or inspections.

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

