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# A BILL FOR AN ACT

RELATING TO HEALTH.

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

1           SECTION 1. Section 321-487, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:  
3           "(a) It shall be unlawful for [~~a certified or licensed~~  
4 ~~healthcare provider or certified or licensed care facility~~] any  
5 person, corporation, or any other entity to knowingly refer or  
6 transfer patients to an uncertified or unlicensed care facility.  
7 The department may impose a fine on any [~~certified or licensed~~  
8 ~~healthcare provider or certified or licensed care facility~~] any  
9 person, corporation, or any other entity that knowingly refers  
10 or transfers patients to a care home, agency, or facility  
11 operating without a certificate or license as required by law;  
12 provided that the fine shall be no more than:  
13           (1) \$500 for the first violation;  
14           (2) \$1,000 for the second violation; and  
15           (3) \$2,000 for the third and each succeeding violation."  
16           SECTION 2. Section 321-488, Hawaii Revised Statutes, is  
17 repealed.



1           ~~["§321-488 Exclusion. For purposes of this chapter, a~~  
2 ~~landlord, as defined in section 521-8, shall not be deemed to be~~  
3 ~~providing home care services or to be operating a care facility~~  
4 ~~requiring a license under this chapter solely due to a landlord~~  
5 ~~permitting a tenant to receive care services from persons~~  
6 ~~licensed to provide care services, if licensing is otherwise~~  
7 ~~required by law, and the landlord does not require a tenant to~~  
8 ~~use or pay for care services as a condition of the rental~~  
9 ~~agreement. For the purposes of this section, an operator means~~  
10 ~~an individual or entity that operates or manages a healthcare~~  
11 ~~facility or similar facility that provides care services in that~~  
12 ~~facility." ]~~

13           SECTION 3. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16           SECTION 4. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18           SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Care Facilities; Uncertified Facilities; Unlicensed Facilities;  
Enforcement

**Description:**

Clarifies the group of professionals who are prohibited from knowingly referring or transferring patients to an uncertified or unlicensed care facility. Repeals landlord exclusion. Effective 7/1/2050. (HD1)

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

