

1 SECTION 2. Section 321-488, Hawaii Revised Statutes, is
2 repealed.

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

15 PART II

16 SECTION 3. Section 321-1.9, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "[+] §321-1.9 [{}]
19 **Inspections; visits; state-licensed or**
20 **state-certified care facilities.** (a) The department of health
21 shall conduct unannounced visits and inspections, including
inspections for relicensing or recertification, for the



1 following state-licensed or state-certified care facilities on
2 an annual basis and at such intervals as determined by the
3 department to ensure the health, safety, and welfare of each
4 resident:

- 5 (1) Adult day health centers;
- 6 (2) Adult day care centers;
- 7 (3) Community care foster family homes;
- 8 (4) Developmental disabilities domiciliary homes;
- 9 (5) Adult foster homes;
- 10 (6) Long-term care facilities, including but not limited

11 to:

- 12 (A) Adult residential care homes;
- 13 (B) Expanded adult residential care homes;
- 14 (C) Assisted living facilities;
- 15 (D) Intermediate care facilities;
- 16 (E) Nursing facilities; and
- 17 (F) Skilled nursing facilities; and
- 18 (7) Special treatment facilities.

19 (b) Unannounced visits may be conducted during or outside
20 regular business hours. All inspections relating to follow-up
21 visits, visits to confirm correction of deficiencies, or visits



1 to investigate complaints or suspicion of abuse or neglect shall
2 be conducted unannounced during or outside regular business
3 hours. Annual inspections for relicensing or recertification
4 may be conducted during regular business hours or at intervals
5 determined by the department. Annual inspections for
6 relicensing or recertification shall be conducted without
7 notice.

8 (c) Consistent with subsection (b), the department shall
9 prioritize complaint investigations based on the degree of
10 severity of the allegations with actual harm or potential harm
11 to be given the highest priority.

12 [~~e~~] (d) The department shall adopt rules pursuant to
13 chapter 91 to effectuate the purposes of this section."

14 PART III

15 SECTION 4. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

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

20 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

Care Facilities; Uncertified Facilities; Unlicensed Facilities;
Enforcement; Complaint Allegations

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. Requires the Department of Health to triage complaint allegations based to severity for inspections of care facilities. Effective 7/1/2050. (SD1)

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