

JAN 25 2023

A BILL FOR AN ACT

RELATING TO INSPECTIONS.

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

1 SECTION 1. Section 321-1.9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~+~~ §321-1.9 ~~+~~ Inspections; visits; state-licensed or
4 state-certified care facilities. (a) The department of health
5 shall conduct unannounced visits and inspections, including
6 inspections for relicensing or recertification, for the
7 following state-licensed or state-certified care facilities on
8 an annual basis and at such intervals as determined by the
9 department to ensure the health, safety, and welfare of each
10 resident:

- 11 (1) Adult day health centers;
12 (2) Adult day care centers;
13 (3) Community care foster family homes;
14 (4) Developmental disabilities domiciliary homes;
15 (5) Adult foster homes;
16 (6) Long-term care facilities, including but not limited
17 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 (b) Unannounced visits may be conducted during or outside
9 regular business hours. All inspections relating to follow-up
10 visits, visits to confirm correction of deficiencies, or visits
11 to investigate complaints or suspicion of abuse or neglect shall
12 be conducted unannounced during or outside regular business
13 hours. Annual inspections for relicensing or recertification
14 may be conducted during regular business hours or at intervals
15 determined by the department. Annual inspections for
16 relicensing or recertification shall be conducted without
17 notice. Inspections for relicensing of all adult residential
18 care homes, community care foster family homes, developmental
19 disabilities domiciliary homes, and expanded adult residential
20 care homes shall be scheduled at a date and time agreeable to
21 the licensed home provider.



1 (c) Notwithstanding subsections (a) and (b) to the
2 contrary, the department of health shall limit unannounced
3 inspections to investigate complaints pertaining to client or
4 patient abuse or life- or health-threatening danger at adult
5 residential care homes for five or less residents, community
6 care foster family homes, developmental disabilities domiciliary
7 homes, and expanded adult residential care homes. Complainants
8 shall be required to identify themselves, make their complaint
9 in writing, and have a credible basis upon which to make the
10 complaint, such as an eyewitness account, for the complaint to
11 be actionable by the department of health or department of human
12 services or its designated inspection contractors.

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

15 SECTION 2. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 3. This Act shall take effect upon its approval.

18

INTRODUCED BY:




S.B. NO. 1581

Report Title:

State-Licensed or State-Certified Care Facilities; Inspections; Limitation; Complaints; Department of Health

Description:

Requires the Department of Health to limit unannounced inspections to investigate complaints pertaining to client or patient abuse or life- or health-threatening danger at certain state-licensed or state-certified care facilities and establishes requirements to file complaints against the care facilities. Requires relicensing inspections of certain care facilities to be scheduled.

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

