

ACT 193

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H.B. NO. 681

A Bill for an Act Relating to Community Health Facilities.

Be It Enacted by the Legislature of the State of Hawaii:

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SECTION 1. Section 46-4, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Neither this section nor any other law, county ordinance, or rule shall prohibit group living in facilities with eight or fewer residents and which are licensed by the State as provided for under section 321-15.6 or in Intermediate Care Facilities for the Mental Retardation¹ (ICF/MR-C) for persons, including the mentally ill, the elderly, the handicapped, the developmentally disabled, or the totally disabled persons, who are not related to the home operator or facility staff; provided that such group living facilities meet all applicable county requirements, not inconsistent with the intent of this subsection and including building height, setback, maximum lot coverage, parking, and floor area requirements. For purposes of this section, “mentally ill person” means a mentally ill person as defined under section 334-1; “elderly person” means an elderly person as defined under section 359-52; “handicapped person” means a handicapped individual as defined under section 515-2; “developmentally disabled person” means a person suffering from developmental disabilities as defined under section 333E-2; [and] “totally disabled person” means a person totally disabled as defined under section 235-1; and “Intermediate Care Facility/Mental Retardation-Community (ICF/MR-C)” is defined as an identifiable unit providing residence and care for eight or fewer mentally retarded individuals. Its primary purpose is the provision of health, social and rehabilitation services to the mentally retarded through an individually designed active treatment program for each resident. No person who is predominately confined to bed shall be admitted as a resident of such a facility.”

SECTION 2. The department of health shall prepare a plan addressing the community impact of licensed community health facilities involving group living by eight or fewer residents in community facilities licensed by the State as provided for under Section 321-15.6 or in a Intermediate Care Facility/Mental Retardation-Community (ICF/MR-C). The plan shall include but not be limited to:

- (1) Strategies to distribute or disburse such community facilities throughout the State in ways which do not impact unfairly on one geographical area;
- (2) Case management, monitoring and individual care plans for all facility residents;
- (3) Mechanisms to resolve complaints and conflicts with communities in which they are or may be located.

SECTION 3. The department of health shall not approve the issuance of any permits, certificates, or licenses for new community health facilities involving group living by eight or fewer residents in community facilities licensed by the State as provided for under Section 321-15.6 or in Intermediate Care Facilities/Mental Retardation-Community (ICF-MR-C)¹ after July 1, 1988, which are not in conformance with the plan.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect on its approval.

(Approved June 6, 1987.)

Note

1. So in original.