

ACT 213

S.B. NO. 2955

A Bill for an Act Relating to Adult Residential Care Homes.

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

SECTION 1. Section 346-53, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) The director [shall], pursuant to chapter 91, shall determine the rate of payment for the different levels of domiciliary care provided to recipients eligible either for Federal Supplemental Security Income or public assistance in accordance with state standards[.] or both. The director shall provide for level of care increases effective July 1, 1988, in amounts not less than \$60 for each level of care.

The rate of payment at which level a recipient enters an adult residential care home licensed pursuant to section 321-15.6 shall remain the same for as long as the recipient resides in that adult residential care home. The rate of payment may be raised if the recipient’s condition so requires, or by rule of the department in accordance with this subsection; provided that [notwithstanding];

- (1) Notwithstanding the rate of payment at the time of entry, the department shall ensure that the recipient shall receive the quality of care consistent with the level of care as determined by the department; [provided further that if] and
- (2) If the operator does not provide the quality of care consistent with the needs of the individual as determined by and to the satisfaction of the department, the department may reduce the rate of payment, or adjust the level of care, or remove the recipient to another facility.

The department shall handle abusive practices under this section in accordance with chapter 91.

Nothing in this subsection shall allow the director to remove a recipient from an adult residential care home or other similar institution if the recipient does not desire to be removed and the operator thereof is agreeable to the recipient remaining therein, except where the recipient requires a higher level of care than provided thereby, or where the recipient no longer requires any domiciliary care."

SECTION 2. The legislative auditor shall conduct a study on the adequacy of the level of care payment schedules for adult residential care homes established by the director of human services pursuant to section 346-53, Hawaii Revised Statutes. The legislative auditor shall also look to vacancy, admission, and demand problems experienced by adult residential care home operators, as well as to determine whether it is feasible, or if there is a need, for annual cost of living increases. The legislative auditor shall submit a report of its findings and recommendation not later than twenty days prior to the convening of the Regular Session of 1989. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000, or so much thereof as may be necessary for fiscal year 1988-1989, to conduct the study required in this section. The sum appropriated shall be expended by the legislative auditor.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,575,120, or so much thereof as may be necessary for fiscal year 1988-1989, to implement section 1 of this Act. The sum appropriated shall be expended by the department of human services.

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

SECTION 5. This Act shall take effect on July 1, 1988.

(Approved June 7, 1988.)