

ACT 379

H.B. NO. 913

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 (c) to read as follows:

“(c) The director, 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.] 1989, as follows:

- (1) For those adult residential care homes classified as facility type I: not less than \$70 for level of care (LOC) I; not less than \$105 for LOC II; and not less than \$145 for LOC III; and
- (2) For those adult residential care homes classified as facility type II: not less than \$124 for LOC I; not less than \$105 for LOC II; and not less than \$145 for LOC III.

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:

- (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; 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.** In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by \$3,175,389, or 0.154 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the need provided for by this Act.

**SECTION 3.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$3,175,389, or so much thereof as may be necessary for fiscal year 1989-1990, and the sum of \$3,334,158, or so much thereof as may be necessary for fiscal year 1990-1991.

**SECTION 4.** The department of health shall adopt rules to set standards assuring the quality of the services provided by adult residential care homes. Through monitoring and evaluation, including such measures as inspection of these care homes without prior notice, the department shall identify, study, and require correction of deficiencies whenever feasible.

**SECTION 5.** The sums appropriated shall be expended by the department of human services for the purposes of this Act.

**SECTION 6.** Statutory material to be repealed is bracketed. New statutory material is underscored.

**SECTION 7.** This Act shall take effect on October 1, 1989.

(Approved June 26, 1989.)