

ACT 184

H.B. NO. 3210

A Bill for an Act Relating to Nursing Home Administrators.

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

SECTION 1. Chapter 457B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§457B- Grounds for refusal to renew, reinstate, or restore, and for revocation, suspension, denial, or condition of licenses.** The board may refuse to renew, reinstate, or restore, or may revoke, suspend, deny, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee or the applicant:

- (1) Altering in any way the physician’s order for any patient’s or resident’s medical or therapeutic care unless the orders are clearly hazardous to the patient or resident, in which case the physician shall be immediately notified;
- (2) Defrauding any federal, state, county, or social agency, business, or individual in the operation of a nursing home;
- (3) Engaging in false, fraudulent, or deceptive advertising, or making false or improbable statements regarding the services of the nursing home; and
- (4) Submitting or filing with the board any notice, statement, or other document required under this chapter which is false or which contains any material misstatement of fact.”

SECTION 2. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

**“§26H-4 Repeal dates.** (a) The following chapters are hereby repealed effective December 31, 1994:

- (1) Chapter 447 (Dental Hygienists)
- (2) Chapter 457 (Board of Nursing)
- (3) Chapter 457A (Nurse Aides)
- [(4)] Chapter 457B (Board of Examiners of Nursing Home Administrators)
- (5) [4] Chapter 461 (Board of Pharmacy)
- [(6)] [5] Chapter 468L (Travel Agencies)

(b) The following chapters are hereby repealed effective December 31, 1995:

- (1) Chapter 437 (Motor Vehicle Industry Licensing Board)
  - (2) Chapter 437B (Motor Vehicle Repair Industry Board)
  - (3) Chapter 440 (Boxing Commission)
  - (4) Chapter 445 Part V (Pawnbrokers)
  - (5) Chapter 448H (Elevator Mechanics Licensing Board)
  - (6) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
  - (7) Chapter 453 (Board of Medical Examiners)
  - (8) Chapter 463E (Podiatry)
- (c) The following chapters and sections are hereby repealed effective December 31, 1996:
- (1) Sections 321-13 to 321-15 (laboratory directors, laboratory technologists, laboratory supervisors, laboratory technicians, and sanitarians)
  - (2) Chapter 321, Part XXX, (Tattoo Artists)
  - (3) Chapter 321, Part XXXI, (Midwives)
  - (4) Sections 431:10A-116(4) and 432:1-605 (Mammogram Screening)
  - (5) Chapter 448F (Electrologists)
  - (6) Chapter 466J (Board of Radiologic Technology)
- (d) The following chapters are hereby repealed effective December 31, 1997:
- (1) Chapter 438 (Board of Barbers)
  - (2) Chapter 448 (Board of Dental Examiners)
  - (3) Chapter 455 (Board of Examiners in Naturopathy)
  - (4) Chapter 459 (Board of Examiners in Optometry)
  - (5) Chapter 460J (Pest Control Board)
  - (6) Chapter 462A (Pilotage)
  - (7) Chapter 471 (Board of Veterinary Examiners)
- (e) The following chapters are hereby repealed effective December 31, 1998:
- (1) Chapter 373 (Commercial Employment Agencies)
  - (2) Chapter 441 (Cemetery and Funeral Trusts)
  - (3) Chapter 443B (Collection Agencies)
  - (4) Chapter 463 (Board of Private Detectives and Guards)
  - (5) Chapter 468 (Solicitors; Business of Taking Orders)
- (f) The following chapters are hereby repealed effective December 31, 1999:
- (1) Chapter 436E (Board of Acupuncture)
  - (2) Chapter 442 (Board of Chiropractic Examiners)
  - (3) Chapter 444 (Contractors License Board)
  - (4) Chapter 448E (Board of Electricians and Plumbers)
  - (5) Chapter 452 (Board of Massage Therapy)
  - (6) Chapter 460 (Board of Osteopathic Examiners)
  - (7) Chapter 461J (Board of Physical Therapy)
  - (8) Chapter 464 (Professional Engineers, Architects, Surveyors and Landscape Architects)
  - (9) Chapter 465 (Board of Psychology)
  - (10) Chapter 468E (Speech Pathology and Audiology)
  - (11) Chapter 514E (Time Sharing Plans)
- (g) The following chapters are hereby repealed effective December 31, 2000:
- (1) Chapter 439 (Board of Cosmetology)
  - (2) Chapter 448F (Electrologists)
  - (3) Chapter 454 (Mortgage Brokers and Solicitors)

- (4) Chapter 454D (Real Estate Collection Servicing Agents)
- (5) Chapter 466 (Board of Public Accountancy)
- (6) Chapter 467 (Real Estate Commission)
- (h) The following chapter is hereby repealed effective December 31, 2001:
- (1) Chapter 458 (Board of Dispensing Opticians)
- (i) The following chapter is hereby repealed effective December 31, 2004:
- (1) Chapter 457B (Board of Examiners of Nursing Home Administrators)”

SECTION 3. Section 457B-2, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

“Nursing home” means any nursing facility licensed by the department of health.”

SECTION 4. Section 457B-3.1, Hawaii Revised Statutes, is amended to read as follows:

**“§457B-3.1 Conditions concerning qualifications for licensure examination.** [(a) The rules of the board regarding the experience required of an applicant for licensure shall provide that:

- (1) A master of public health, master of business administration or a master of hospital administration degree, with a specialization in health services administration from an accredited institution of higher education shall be substitutable for one year of practical experience required of an applicant; and
- (2) One year of administrative experience in a health related area shall be accepted as equivalent to any requirement for one year of administrative experience in nursing home administration.

(b) The rules of the board regarding the education required of an applicant for licensure shall:

- (1) Require a baccalaureate degree from an accredited institution of higher education; provided that the board shall seek the advice of the University of Hawaii, office of admissions, regarding the college or university’s accreditation, and that the board shall approve any degree recognized by the University of Hawaii.
- (2) The board may exempt an applicant from completing the currently approved nursing home administrator’s correspondence course if the board determines that the applicant’s baccalaureate or post-baccalaureate formal education has imparted the knowledge and skills taught in the course.
- (3) The board may exempt an applicant from the requirements of paragraph (1) if the board determines that:
  - (A) Within the ten years immediately preceding the application, the applicant has served for at least eight years at the level of an assistant administrator (or its functional equivalent) in a nursing home; and
  - (B) At least five administrators currently licensed under this chapter recommend in writing to the board that the applicant be allowed to sit for the licensing examination.

(c) The board, as qualifications for taking the licensure examination, shall not require an applicant to furnish evidence of absence of physical or mental

impairments.] The board shall adopt rules setting minimum educational, training, and experience qualifications that must be satisfied before an applicant is allowed to sit for the licensing examination."

SECTION 5. Section 457B-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The board shall consist of seven members who shall serve for a term of four years. No member shall be appointed to more than two full consecutive terms. The board shall be composed of [persons] at least one public member, and<sup>1</sup> members representing professions and institutions concerned with the care and treatment of chronically ill or infirm elder patients, including but not limited to doctors, skilled nurses, hospital administrators, long term care facility administrators, physical therapists, occupational therapists, nutritionists, and gerontological social workers; provided that no more than three members shall be nursing home administrators."

SECTION 6. No term of any member of the board of examiners of nursing home administrators that has not expired as of the effective date of this Act shall be affected by the inclusion of public members to the board. The governor shall appoint to the board one or more public members upon the next expiration of one or more current members' terms.

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>2</sup>

SECTION 8. This Act shall take effect upon its approval.

(Approved June 21, 1994.)

#### Notes

1. "And" should be underscored.
2. Edited pursuant to HRS §23G-16.5.