

ACT 158

S.B. NO. 1525

A Bill for an Act Relating to Home Care Agencies.

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

SECTION 1. The legislature finds that home care agencies provide an important service to independent but elderly or vulnerable persons by provid-

ing home-based non-health care services that enable those persons to remain in their homes, rather than be admitted into costly residential care homes or institutional care facilities. The legislature further finds that in order to safeguard the health, safety, and welfare of those persons, the current licensure requirements for home care agencies by the department of health should be retained. Existing licensure requirements include background checks on home care operators and workers and provide minimum standards on the provision of home care services.

The legislature finds that Act 21, Special Session Laws of Hawaii 2009, codified as section 321-14.8, Hawaii Revised Statutes, requires that “each home care agency shall be licensed by the department of health to ensure the health, safety, and welfare of clients.” The legislature notes that this statutory licensure requirement for home care agencies is set to be repealed on June 30, 2019.

Accordingly, the purpose of this Act is to permanently require home care agencies in Hawaii to be licensed by the department of health.

SECTION 2. Act 21, Special Session Laws of Hawaii 2009, as amended by Act 125, Session Laws of Hawaii 2014, section 2, is amended by amending section 8 to read as follows:

~~“SECTION 8. This Act shall take effect on July 1, 2009[, and shall be repealed on June 30, 2019; provided that sections 321-11 and 321-11.5(b), Hawaii Revised Statutes, and the definition of “healthcare facility” in section 321-15.2, Hawaii Revised Statutes, shall be reenacted in the form in which they read on June 30, 2009].”~~

SECTION 3. Nothing in this Act shall be construed to diminish or abrogate the requirements to obtain or maintain a home care agency license or certification.

SECTION 4. Statutory material to be repealed is bracketed and stricken.

SECTION 5. This Act shall take effect on June 29, 2019.

(Approved June 27, 2019.)