

ACT 20

H.B. NO. 2216

A Bill for an Act Relating to 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 domiciliary care, including care provided in licensed developmental disabilities domiciliary homes, community care foster family homes, and certified adult foster homes, to be provided to recipients who are eligible for federal

~~[supplementary]~~ supplemental security income or public assistance, or both. The director shall provide for level of care payment as follows:

- (1) ~~[Beginning on July 1, 2008, for]~~ For adult residential care homes classified as facility type I, licensed developmental disabilities domiciliary homes as defined under section 321-15.9, community care foster family homes as defined under section 321-481, and certified adult foster homes as defined under section 321-11.2, the state supplemental payment shall not exceed ~~[\$651.90;]~~ \$784; and
- (2) ~~[Beginning on July 1, 2008, for]~~ For adult residential care homes classified as facility type II, the state supplemental payment shall not exceed ~~[\$759.90.]~~ \$892.

If the operator does not provide the quality of care consistent with the needs of the individual to the satisfaction of the department, the department may 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 is agreeable to the recipient remaining, except where the recipient requires a higher level of care than provided or where the recipient no longer requires any domiciliary care.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect on October 1, 2024.

(Approved May 13, 2024.)