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# A BILL FOR AN ACT

RELATING TO ADULT RESIDENTIAL CARE HOMES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 46-15.3, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) For the purpose of regulation under a county's life  
4 safety code, building code, fire code, or any other ordinance of  
5 similar purpose, a licensed adult family boarding home or  
6 licensed care home which provides living accommodations for:

7           (1) The operator of the home and operator's family; and

8           (2) Up to [~~five~~] six other persons, not more than [~~two~~]  
9           three of whom are incapable of self-preservation

10           because of age or physical or mental limitations;

11 shall be deemed a single-family dwelling occupied by a family."

12           SECTION 2. Section 321-15.6, Hawaii Revised Statutes, is  
13 amended by amending subsection (b) to read as follows:

14           "(b) The director shall adopt rules regarding adult  
15 residential care homes in accordance with chapter 91 which shall  
16 be designed to:

17           (1) Protect the health, safety, and civil rights of

18           persons residing in facilities regulated;



1 (2) Provide for the licensing of adult residential care  
2 homes; provided that the rules shall allow group  
3 living in two categories of adult residential care  
4 homes as licensed by the department of health:

5 (A) Type I allowing group living by [~~five~~] six or  
6 fewer unrelated persons; and

7 (B) Type II allowing [~~six~~] seven or more persons  
8 including but not limited to the mentally ill,  
9 elders, the handicapped, the developmentally  
10 disabled, or totally disabled persons who are not  
11 related to the home operator or facility staff.

12 For purposes of this section:

13 "Mentally ill person" means a mentally ill person  
14 as defined under section 334-1.

15 "Elder" means an elder as defined under sections  
16 201G-1 and 201G-151.

17 "Handicapped person" means an individual with a  
18 physical handicap as defined under section 515-2.

19 "Developmentally disabled person" means a person  
20 with developmental disabilities as defined under  
21 section 333F-1.



1            "Totally disabled person" means a person totally  
2            disabled as defined under section 235-1;  
3            (3) Comply with applicable federal laws and regulations of  
4            Title XVI of the Social Security Act, as amended; and  
5            (4) Provide penalties for the failure to comply with any  
6            rule."

7            SECTION 3. Section 321-15.62, Hawaii Revised Statutes, is  
8            amended by amending subsection (b) to read as follows:

9            "(b) The director shall adopt rules regarding expanded  
10           adult residential care homes in accordance with chapter 91  
11           [~~which~~] that shall implement a social model of health care  
12           designed to:

13           (1) Protect the health, safety, civil rights, and rights  
14           of choice of the persons to reside in a nursing  
15           facility or in home- or community-based care;  
16           (2) Provide for the licensing of expanded adult  
17           residential care homes for persons who are certified  
18           by the department of human services, a physician,  
19           advanced practice registered nurse, or registered  
20           nurse case manager as requiring skilled nursing  
21           facility level or intermediate care facility level of  
22           care who have no financial relationship with the home



1 care operator or facility staff; provided that the  
2 rules shall allow group living in two categories of  
3 expanded adult residential care homes as licensed by  
4 the department of health:

5 (A) Type I home shall consist of [~~five~~] six or [~~less~~]  
6 fewer residents with no more than [~~two~~] three  
7 nursing facility level residents; provided that  
8 more nursing facility level residents may be  
9 allowed at the discretion of the department; and

10 (B) Type II home shall consist of [~~six~~] seven or more  
11 residents, with no more than twenty per cent of  
12 the home's licensed capacity as nursing facility  
13 level residents; provided that more nursing  
14 facility level residents may be allowed at the  
15 discretion of the department;

16 provided further that the department shall exercise  
17 its discretion for a resident presently residing in a  
18 Type I or Type II home, to allow the resident to  
19 remain as an additional nursing facility level  
20 resident based upon the best interests of the  
21 resident. The best interests of the resident shall be  
22 determined by the department after consultation with



1 the resident, the resident's family, primary  
 2 physician, case manager, primary caregiver, and home  
 3 operator;

4 (3) Comply with applicable federal laws and regulations of  
 5 Title XVI of the Social Security Act, as amended; and

6 (4) Provide penalties for the failure to comply with any  
 7 rule."

8 SECTION 4. Statutory material to be repealed is bracketed  
 9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.

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HB 2224

**Report Title:**

Adult Residential Care Homes; Number of Residents

**Description:**

Raises maximum number of residents in type I and expanded type I ARCHs from 5 to 6. Raises minimum number of residents in type II and expanded type II ARCHs from 6 to 7. In type I and expanded type I ARCHs, increases maximum number of nursing facility level residents from 2 to 3.

