
A BILL FOR AN ACT

RELATING TO HOME AND COMMUNITY-BASED SERVICES.

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

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "**§321- Home and community-based case management agency,**
5 **referral fee, report.** Each community-based licensed care home
6 or facility under the department of health and community-based
7 case management agency shall report to the department on all
8 referrals that were made by the agency, and shall note in its
9 report if any referral fee was paid to the agency and the amount
10 received by the agency for the referral."

11 SECTION 2. Section 321-482, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§321-482 Home and community-based case management agency,**
14 **authority over and evaluation of.** (a) Any person, agency, or
15 organization engaged in providing, coordinating, or monitoring
16 comprehensive services to clients in community care foster
17 family homes, or medicaid clients in expanded adult residential



1 care homes, and assisted living facilities, shall meet the
2 standards of conditions, management, and competence set by the
3 department, and hold a license in good standing issued for this
4 purpose by the department.

5 (b) The department shall adopt rules pursuant to chapter
6 91 relating to:

7 (1) Standards for the organization and administration of
8 home and community-based case management agencies;

9 (2) Standards of conditions, management, and competence of
10 home and community-based case management agencies;

11 (3) Procedures for obtaining and renewing a license from
12 the department; and

13 (4) Minimum grievance procedures for clients of case
14 management services.

15 (c) As a condition for obtaining a license, a person,
16 agency, or organization shall comply with rules adopted under
17 subsection (b) (1), (2), and (3), and satisfy the background
18 check requirements under section 321-15.2. The department may
19 deny a license if:

20 (1) An operator, employee, or new employee of the home and
21 community-based case management agency has been



1 convicted of a crime other than a minor traffic
2 violation involving a fine of \$50 or less;

3 (2) The department finds that the background check record
4 of an operator, employee, or new employee poses a risk
5 to the health, safety, or well-being of adults
6 receiving care in community care foster family homes,
7 expanded adult residential care homes, or assisted
8 living facilities;

9 (3) An operator, employee, or new employee of the home and
10 community-based case management agency is a
11 perpetrator of abuse as defined in section 346-222; or

12 (4) The holder of or an applicant for a home and
13 community-based case management agency license, or one
14 of its employees, has a certificate of approval to
15 operate a community care foster family home, or a
16 license from the department to operate an adult
17 residential care home, expanded adult residential care
18 home, or assisted living facility.

19 (d) Upon approval of any home and community-based case
20 management agency, the department or its authorized agents shall
21 issue a license, which shall continue in force for one year, or



1 for two years if a home and community-based case management
2 agency has been licensed for at least one year and is in good
3 standing pursuant to standards adopted by the department, unless
4 sooner revoked for cause. The department or its authorized
5 agents shall renew the license only if, after an annual or
6 biennial evaluation, the agency continues to meet the standards
7 established by the department.

8 (e) The department shall evaluate the home and community-
9 based case management agency to determine compliance with the
10 requirements established under this section:

11 (1) Annually or biennially; or

12 (2) Upon receipt of a complaint that the home and
13 community-based case management agency is in violation
14 of the requirements established under this section.

15 (f) The department may suspend or revoke a license if the
16 department deems that the agency is unwilling or unable to
17 comply with the rules adopted under this section; provided that:

18 (1) Upon suspension or revocation of a license, the home
19 and community-based case management agency shall no
20 longer be licensed and shall immediately notify the
21 agency's clients and community care foster family



1 homes, expanded adult residential care homes, and
2 assisted living facilities in which the agency is
3 providing services to clients;

4 (2) A home and community-based case management agency
5 whose license has been suspended or revoked may appeal
6 the suspension or revocation to the department through
7 its established process, but the appeal shall not stay
8 the suspension or revocation;

9 (3) A suspended or revoked license may be reinstated if
10 the department deems that the agency is willing and
11 able to comply with the rules adopted under this
12 section; and

13 (4) A revoked license shall be restored only after a new
14 application is made and reviewed under this part.

15 (g) Any home and community-based case management agency
16 shall be subject to investigation by the department at any time
17 and in the manner, place, and form as provided in the
18 department's rules.

19 (h) The department shall adopt standard forms of contract
20 that the home and community-based case management agency shall
21 use with each of its clients, community care foster family



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1 homes, expanded adult residential care homes, and assisted
2 living facilities.

3 (i) The home and community-based case management agency
4 shall have a fiduciary duty to each client it serves.

5 (j) A home and community-based case management agency
6 shall not enter into an agreement that requires a community care
7 foster family home to accept that agency's clients exclusively.

8 (k) The department shall publish, by electronic or online
9 publication on its official website, a listing of all licensed
10 home and community-based case management agencies, including any
11 information reported under section 321- . The department shall
12 revise the listing annually."

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

[Handwritten signatures and names]

[Signature]
[Signature]
[Signature]
 Roy M. Leland

[Signature]
[Signature]
 Gordon Threlton
 Jay DeCristo
[Signature]
 Cindy Elvans

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Report Title:

Home and Community-based Case Management Agency; Report

Description:

Requires each licensed home and community-based case management agency to report to the Department on all referrals that were made by the agency, and to note in its report if any referral fee was paid to the agency, and the amount received for the referral. Requires the Department of Health to annually publish and revise a list of all licensed home and community-based case management agencies, including all information regarding referrals made to the agency and the amount paid to the agency for the referral, if any.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

