

JAN 22 2021

A BILL FOR AN ACT

RELATING TO STATE-LICENSED CARE FACILITIES.

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

1 SECTION 1. The legislature finds that the State, through
2 its department of health, has oversight responsibility for the
3 care facilities that it licenses, including adult day care
4 centers, developmentally disabled adult foster homes, and long-
5 term care facilities. Decisions on placement of individuals in
6 a care facility and assessments of the care that they receive
7 are often made by family members of the individual. For these
8 family members, access to current information on the pertinent
9 care facilities is essential.

10 The legislature further finds that information on the
11 oversight of these facilities, such as whether the department is
12 conducting inspections, has not been made readily available to
13 the public. A recent example where such information and
14 reporting were desperately needed is the Yukio Okutsu State
15 Veterans Home in Hilo that experienced a devastating outbreak of
16 the coronavirus disease 2019 (COVID-19) in 2020, which
17 ultimately resulted in the deaths of twenty-seven patients.



1 Information on whether the department inspected the facility in
2 2020, its findings and actions taken, if any, has not been
3 available and questions remain unanswered as to how these
4 fatalities could have been prevented.

5 The purpose of this bill is to require the department of
6 health to make available to the public, an easily understandable
7 database-type list of all state-licensed care facilities
8 containing information on their licenses and inspections.

9 SECTION 2. Section 321-1.8, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "[+]§321-1.8[+] **Inspections; public notice.** (a)

12 Beginning with inspections occurring on January 1, 2015, the
13 department of health shall post on its website electronic copies
14 of reports for all inspections it performs of the following
15 state-licensed care facilities:

- 16 (1) Adult day health centers;
- 17 (2) Adult day care centers;
- 18 (3) Community care foster family homes;
- 19 (4) Developmental disabilities domiciliary homes as
20 defined in section 321-15.9;
- 21 (5) Developmentally disabled adult foster homes;



- 1 (6) Long-term care facilities as defined in section
2 349-21(f); and
- 3 (7) Special treatment facilities as defined in section
4 334-1.
- 5 (b) Each report shall be posted on the department of
6 health's website within five working days of the conclusion of
7 each inspection and shall include the following information:
- 8 (1) The date of the inspection;
- 9 (2) A description of violations of relevant state laws or
10 rules, if applicable;
- 11 (3) Plans of correction and the status of corrective
12 actions in response to any violations, if applicable;
- 13 (4) A list and description of all corrective actions taken
14 by the facility, if applicable, to be submitted by the
15 facility and added to the report at a later time, as
16 determined by the department; and
- 17 (5) Other information regarding the quality and conditions
18 of the facility the department of health deems
19 appropriate.
- 20 (c) Each report posted on the department of health's
21 website that reports a violation committed by a state-licensed



1 care facility as described in subsection (a) shall be removed
2 from the website after three years from the date the report was
3 posted.

4 (d) In addition to the reports required by this section,
5 the department of health shall post on its website a list of all
6 state-licensed care facilities with the following information:

- 7 (1) Type of care facility;
8 (2) Date the facility was first licensed;
9 (3) Date the facility's license was renewed or will be
10 renewed;
11 (4) Date the facility's license expires;
12 (5) Date of the most recent inspection of the facility;
13 (6) Hyperlink to the most recent inspection report; and
14 (7) Any other information the department deems
15 appropriate.

16 The list shall be provided in a searchable and sortable format
17 that is easily understandable by the public. The list shall be
18 updated within five days of any change in its information."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21



S.B. NO. 310

1 SECTION 4. This Act shall take effect on July 1, 2021.

2

INTRODUCED BY: *Kal Rhodes*



S.B. NO. 310

Report Title:

Department of Health; State-licensed Care Facilities;
Inspections; Public Notice; Website Posting

Description:

Requires the department of health to post on its website, an easily understandable, searchable, and sortable list of all state-licensed care facilities with information on their licenses and inspections. Requires that the list be updated within five days of any change in its information.

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