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# A BILL FOR AN ACT

RELATING TO INSPECTIONS.

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

1           SECTION 1. Section 321-1.9, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~§321-1.9~~ **Inspections; visits; state-licensed or**  
4 **state-certified care facilities.** (a) The department of health  
5 shall conduct unannounced visits and inspections, including  
6 inspections for relicensing or recertification, for the  
7 following state-licensed or state-certified care facilities on  
8 an annual basis and at such intervals as determined by the  
9 department to ensure the health, safety, and welfare of each  
10 resident:

- 11           (1) Adult day health centers;
- 12           (2) Adult day care centers;
- 13           (3) Community care foster family homes;
- 14           (4) Developmental disabilities domiciliary homes;
- 15           (5) Adult foster homes;
- 16           (6) Long-term care facilities, including but not limited  
17           to:



- 1 (A) Adult residential care homes;
  - 2 (B) Expanded adult residential care homes;
  - 3 (C) Assisted living facilities;
  - 4 (D) Intermediate care facilities;
  - 5 (E) Nursing facilities; and
  - 6 (F) Skilled nursing facilities; and
  - 7 (7) Special treatment facilities.
- 8 (b) Unannounced visits may be conducted during or outside  
9 regular business hours. All inspections relating to follow-up  
10 visits, visits to confirm correction of deficiencies, or visits  
11 to investigate complaints or suspicion of abuse or neglect shall  
12 be conducted unannounced during or outside regular business  
13 hours. Annual inspections for relicensing or recertification  
14 may be conducted during regular business hours or at intervals  
15 determined by the department. Annual inspections for  
16 relicensing or recertification shall be conducted without  
17 notice.
- 18 (c) Notwithstanding subsections (a) and (b) to the  
19 contrary, the department of health shall limit unannounced  
20 inspections to investigate complaints pertaining to client or  
21 patient abuse or life- or health-threatening danger at adult



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1 residential care homes for five or less residents, community  
2 care foster family homes, developmental disabilities domiciliary  
3 homes, and expanded adult residential care homes. Complainants  
4 shall be required to identify themselves, make their complaint  
5 in writing, and have a credible basis upon which to make the  
6 complaint, such as an eyewitness account, for the complaint to  
7 be actionable by the department of health or department of human  
8 services or its designated inspection contractors. Inspections  
9 for relicensing of all adult residential care homes, community  
10 care foster family homes, developmental disabilities domiciliary  
11 homes, and expanded adult residential care homes shall be  
12 scheduled at a date and time agreeable to the licensed home  
13 provider.

14       ~~(e)~~ (d) The department shall adopt rules pursuant to  
15 chapter 91 to effectuate the purposes of this section."

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

18       SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 

JAN 25 2023



# H.B. NO. 1491

**Report Title:**

Care Facilities; Inspections; Complaints; DOH

**Description:**

Requires the department of health to limit unannounced inspections to investigate complaints pertaining to client or patient abuse or life- or health-threatening danger at certain care facilities. Establishes requirements for complaints. Requires relicensing inspections to be scheduled.

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

