
A BILL FOR AN ACT

RELATING TO ACT 212, SESSION LAWS OF HAWAII 2021.

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

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PART I

SECTION 1. Act 212, Session Laws of Hawaii 2021, as amended by Act 150, Session Laws of Hawaii 2022 is amended as follows:

1. By amending subsection (b) of section 6 to read:

"(b) The transfer of positions and respective class specifications of the Oahu region from the Hawaii health systems corporation's personnel system to the department of health, as set forth in the transition documents submitted by the working group established pursuant to section 9 of this Act no later than twenty days prior to the convening of the regular sessions of 2022, ~~[and]~~ 2025, and 2026, shall be completed no later than December 31, ~~[2025]~~ 2026; provided that:

(1) All employees of the Oahu region who are employed as of December 31, ~~[2025]~~ 2026, shall be transferred to the department of health before the transition of the



1 Oahu regional health care system into the department
2 of health is complete;

3 (2) All employees of the Oahu region who occupy civil
4 service positions shall be transferred to the
5 department of health by this Act and retain their
6 civil service status, whether permanent or temporary,
7 and shall maintain their respective functions as
8 reflected in their current position descriptions
9 during the transition period; provided that any
10 changes determined necessary by the working group
11 established pursuant to section 9 of this Act shall
12 follow standard union consultation process prior to
13 implementation;

14 (3) Employees shall be transferred without loss of salary;
15 seniority, except as prescribed by applicable
16 collective bargaining agreements; retention points;
17 prior service credit; any vacation and sick leave
18 credits previously earned; and other rights, benefits,
19 and privileges, in accordance with state employment
20 laws;



- 1 (4) The personnel structure of the Oahu regional health
2 care system shall remain unchanged, unless modified
3 and approved by the working group and as approved by
4 the conditions established pursuant to this Act;
- 5 (5) Any employee who, prior to this Act, is exempt from
6 civil service or collective bargaining and is
7 transferred as a consequence of this Act shall be
8 transferred without loss of salary and shall not
9 suffer any loss of prior service credit, contractual
10 rights, vacation or sick leave credits previously
11 earned, or other employee benefits or privileges, and,
12 except in the instance of discipline, shall be
13 entitled to remain employed in the employee's current
14 position for a period of no less than one year after
15 the transition of the Oahu regional health care system
16 into the department of health is complete;
- 17 (6) The wages, hours, and other conditions of employment
18 shall be negotiated or consulted, as applicable, with
19 the respective exclusive representative of the
20 affected employees, in accordance with chapter 89,
21 Hawaii Revised Statutes; and



1 (7) The rights, benefits, and privileges currently enjoyed
2 by employees, including those rights, benefits, and
3 privileges under chapters 76, 78, 87A, 88, and 89,
4 Hawaii Revised Statutes, shall not be impaired or
5 diminished as a result of these employees being
6 transitioned to the department of health pursuant to
7 this Act. The transition to the department of health
8 shall not result in any break in service for the
9 affected employees. The rights, benefits, and
10 privileges currently enjoyed by employees shall be
11 maintained under their existing collective bargaining
12 or other agreements and any successor agreement."

13 2. By amending subsection (b) of section 7 to read:

14 "(b) Notwithstanding any law to the contrary, the terms of
15 the following members of the board of directors of the Hawaii
16 health systems corporation shall expire on December 31, [~~2025~~]
17 2026:

18 (1) The regional chief executive officer of the Oahu
19 regional health care system; and



1 (2) The two board members residing on the island of Oahu
2 appointed pursuant to section 323F-3(b)(7), Hawaii
3 Revised Statutes."

4 3. By amending section 8 to read:

5 "SECTION 8. (a) During the transition planning period
6 commencing on July 1, 2021, to and including the completion of
7 the transition of the Oahu regional health care system into the
8 department of health no later than December 31, [~~2025,~~] 2026,
9 the Oahu regional system board may:

10 (1) Develop and implement its own policies, procedures,
11 and rules necessary or appropriate to plan, operate,
12 manage, and control its facilities without regard to
13 chapter 91, Hawaii Revised Statutes;

14 (2) Enter into and perform any contract, lease,
15 cooperative agreement, partnership, or other
16 transaction whatsoever that may be necessary or
17 appropriate in the performance of its purposes and
18 responsibilities, and on any terms the regional system
19 board may deem appropriate with either:

- 1 (A) Any agency or instrumentality of the United
- 2 States, or with any state, territory, possession,
- 3 or subdivision thereof; or
- 4 (B) Any person, firm, association, partnership, or
- 5 corporation, whether operated on a for-profit or
- 6 not-for-profit basis; provided that the
- 7 transaction furthers the public interest;
- 8 (3) Conduct activities and enter into business
- 9 relationships the regional system board deems
- 10 necessary or appropriate, including but not limited
- 11 to:
- 12 (A) Creating nonprofit corporations, including but
- 13 not limited to charitable fundraising
- 14 foundations, to be controlled wholly by the
- 15 regional system board or jointly with others;
- 16 (B) Establishing, subscribing to, and owning stock in
- 17 business corporations individually or jointly
- 18 with others; and
- 19 (C) Entering into partnerships and other joint
- 20 venture arrangements, or participating in
- 21 alliances, purchasing consortia, health insurance



1 pools, or other cooperative agreements, with any
2 public or private entity; provided that any
3 corporation, venture, or relationship entered
4 into under this subsection shall further the
5 public interest;

6 (4) Execute, in accordance with all applicable bylaws,
7 rules, and laws, all instruments necessary or
8 appropriate in the exercise of any powers of the
9 regional system board;

10 (5) Make and alter regional system board bylaws and rules
11 for its organization and management without regard to
12 chapter 91, Hawaii Revised Statutes;

13 (6) Enter into any contract or agreement whatsoever, not
14 inconsistent with the laws of the State, execute all
15 instruments, and do all things necessary or
16 appropriate in the exercise of the powers granted
17 under chapter 323F, Hawaii Revised Statutes, including
18 securing the payment of bonds; provided that contracts
19 or agreements executed by the regional system board
20 shall only encumber the regional subaccounts of the
21 regional system board;



1 (7) Own, purchase, lease, exchange, or otherwise acquire
2 property, whether real, personal, or mixed, tangible
3 or intangible, and any interest therein, in the name
4 of the regional system board; provided that the
5 regional system board shall be subject to the
6 requirements of section 323F-3.5, Hawaii Revised
7 Statutes;

8 (8) Contract for and accept any gifts, grants, and loans
9 of funds or property, or any other aid in any form
10 from the federal government, the State, any state
11 agency, or any other source, or any combination
12 thereof, in compliance, subject to chapter 323F,
13 Hawaii Revised Statutes, with the terms and conditions
14 thereof; provided that the regional system board shall
15 be responsible for contracting for and accepting any
16 gifts, grants, loans, property, or other aid if
17 intended to exclusively benefit the Oahu region public
18 health facilities and operations;

19 (9) Provide health and medical services to the public
20 directly or by agreement or lease with any person,
21 firm, or private or public corporation, partnership,



1 or association through or in the health facilities of
2 the regional system board or otherwise; provided that
3 the regional system board shall be responsible for
4 conducting the activities under this paragraph solely
5 within the Oahu regional system;

6 (10) Approve medical staff bylaws, rules, and medical staff
7 appointments and reappointments for all public health
8 facilities of the regional system board, including but
9 not limited to determining the conditions under which
10 a health professional may be extended the privilege of
11 practicing within a health facility, as determined by
12 the regional system board, and adopting and
13 implementing reasonable rules, without regard to
14 chapter 91, Hawaii Revised Statutes, for the
15 credentialing and peer review of all persons and
16 health professionals within the facility; provided
17 that the regional system board shall be the governing
18 body responsible for all medical staff organization,
19 peer review, and credentialing activities to the
20 extent allowed by law;



- 1 (11) Enter into any agreement with the State, including but
2 not limited to contracts for the provision of goods,
3 services, and facilities for the support of the
4 regional system board's programs, and contracting for
5 the provision of services to or on behalf of the
6 State;
- 7 (12) Develop internal policies and procedures for the
8 procurement of goods and services, consistent with the
9 goals of public accountability and public procurement
10 practices, and subject to management and financial
11 legislative audits; provided that the regional system
12 board shall enjoy the exemptions under
13 section 103-53(e) and chapter 103D, Hawaii Revised
14 Statutes;
- 15 (13) Authorize, establish, and abolish positions; and
- 16 (14) Employ or retain any attorney, by contract or
17 otherwise, for the purpose of representing the
18 regional system board in any litigation, rendering
19 legal counsel, or drafting legal documents for the
20 regional system board.



1 (b) During the transition period commencing on July 1,
2 2021, to and including the completion of the transition of the
3 Oahu regional health care system into the department of health
4 no later than December 31, [~~2025~~] 2026, the Oahu regional
5 system board shall continue to enjoy the same sovereign immunity
6 available to the State.

7 (c) During the transition period commencing on July 1,
8 2021, to and including the completion of the transition of the
9 Oahu regional health care system into the department of health
10 no later than December 31, [~~2025~~] 2026, the Oahu regional
11 system board shall be exempt from chapters 36, 37, 38, 40, 41D,
12 103D, 103F, part I of chapter 92, and section 102-2, Hawaii
13 Revised Statutes."

14 4. By amending subsections (f) and (g) of section 9 to
15 read:

16 "(f) The working group shall submit reports to the
17 legislature no later than twenty days prior to the convening of
18 the regular sessions of 2022, [~~and~~] 2025, and 2026 that shall
19 include the five-year pro forma operating and budget plan, ten-
20 year pro forma capital improvement plan, proposed legislation to
21 address any matters not covered by this Act that may be



1 necessary to complete the transfer of the Oahu regional health
2 care system into the department of health, and a timeline of
3 major milestones necessary to effectuate the transfer of
4 personnel, assets, liabilities, and contracts needed to complete
5 the transfer pursuant to this Act. The report to be submitted
6 to the legislature no later than twenty days prior to the
7 convening of the regular session of 2026 shall include any
8 updates to the five-year pro forma operating and budget plan and
9 ten-year pro forma capital improvement plan and a breakdown of
10 the costs that will be incurred to effectuate the transfer of
11 the Oahu regional health care system pursuant to this Act. The
12 reports shall also document the completion of the transfer and
13 dissolution of the Oahu regional health care system.

14 (g) The working group shall be dissolved on December 31,
15 [~~2025~~] 2026, or upon completion of the transition of the Oahu
16 regional health care system into the department of health,
17 whichever is first."

18 5. By amending section 14 to read:

19 "SECTION 14. This Act shall take effect on July 1, 2021;
20 provided that part II of this Act shall take effect on December
21 31, [~~2025~~] 2026."



1 PART II

2 SECTION 2. The Oahu regional health care system and the
3 department of health shall enter into an agreement regarding
4 Oahu regional health care system taking care of low acuity
5 patients in the department of health's custody by no later than
6 December 31, 2024.

7 PART III

8 SECTION 3. The Oahu regional health care system shall
9 submit a report to the legislature no later than twenty days
10 prior to the convening of the regular session of 2026. The
11 report shall include but not be limited to:

12 (a) The activities undertaken by the Oahu regional health
13 care system to establish partnerships with other state
14 agencies or public or private organizations to ensure
15 all useable spaces on the Leahi hospital campus and at
16 Maluhia have been filled; and

17 (b) How the Oahu regional health care system is ensuring
18 that the use of its facilities are part of the
19 continuum of care for long-term care and mental and
20 behavioral health services in the State.

21 PART IV



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

HHSC; DOH; Oahu Regional Health Care System; Transfer; Reports;
Low Acuity Patients; Agreement

Description:

Extends the transfer of the Oahu Regional Health Care System (Oahu Region) from the Hawaii Health Systems Corporation to the Department of Health to 12/31/2026. Requires the working group established by Act 212, SLH 2021, to submit a report to the Legislature on updates to the operating and budget plan and pro forma capital improvements plan and a breakdown of costs related to the transfer. Requires the Oahu Region to enter into an agreement with the Department of Health regarding the Oahu Region taking care of low acuity patients in the Department's custody by the end of 2024. Requires the Oahu Region to report to the Legislature. Effective 7/1/3000. (HD1)

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