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# A BILL FOR AN ACT

RELATING TO HOME CARE AGENCIES.

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

1 SECTION 1. Section 321-14.8, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§321-14.8 Home care agencies; licensing.** (a) Beginning  
4 July 1, 2010, each home care agency shall be licensed by the  
5 department of health to ensure the health, safety, and welfare  
6 of clients.

7 (b) The department of health shall adopt [~~interim rules,~~  
8 ~~which shall be exempt from chapters 91 and 201M, to effectuate~~  
9 ~~the licensure of home care agencies; provided that the interim~~  
10 ~~rules shall remain in effect until the sooner of October 1,~~  
11 ~~2018, or the adoption of]~~ rules pursuant to chapters 91 and 201M  
12 to:

- 13 (1) Protect the health, safety, and civil rights of  
14 clients of home care agencies; and  
15 (2) Provide for the licensure of home care agencies.



1 (c) A service provider agency shall be exempt from the  
2 licensing requirement of this section when services are  
3 provided:

4 (1) Under contract for services with the city and county  
5 of Honolulu, elderly affairs division~~[+]~~ of the  
6 department of community services; or

7 (2) Exclusively to participants in the medicaid home and  
8 community based services waiver, pursuant to section  
9 1915(c) of the Social Security Act, by an agency  
10 approved by the department of human services med-QUEST  
11 division.

12 (d) A home care agency shall only provide home care  
13 services or related tasks, functions, and activities in  
14 accordance with its license, and shall not provide services  
15 authorized by chapter 457 unless those services are provided by  
16 a registered nurse, a licensed practical nurse, or an advanced  
17 practice registered nurse.

18 (e) Violations of this section shall be subject to the  
19 penalties and remedies provided in this chapter and rules  
20 adopted by the department of health.

21 ~~[(d)]~~ (f) For the purposes of this section:



1 "Home care agency" means a public or proprietary agency, a  
2 private, nonprofit organization, or a subdivision of an agency  
3 or organization, engaged in providing home care services to  
4 clients in the client's residence. [~~The term "home care~~  
5 ~~agency"~~] "Home care agency" does not apply to an individual,  
6 including an individual who is incorporated as a business, or is  
7 an unpaid or stipended volunteer.

8 "Home care services" may include [~~but are not limited to~~]:

- 9 (1) Personal care, including assistance with dressing,  
10 feeding, and personal hygiene to facilitate self-care;  
11 (2) Homemaker assistance, including housekeeping,  
12 shopping, and meal planning and preparation; and  
13 (3) Respite care and assistance and support provided to  
14 the family."

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

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



**Report Title:**

Home Care Agencies; Prohibitions; Limitations

**Description:**

Prohibits home care agencies from providing services outside the scope of their facility license. (HD1)

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

