

JAN 17 2025

A BILL FOR AN ACT

RELATING TO CARE HOMES.

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

1 SECTION 1. Section 321-15.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§321-15.6 Adult residential care homes; licensing.** (a)

4 All adult residential care homes shall be licensed to ensure the
5 health, safety, and welfare of the individuals placed therein.

6 The department shall conduct visits and inspections pursuant to
7 section 321-1.9.

8 (b) The director shall adopt rules regarding adult
9 residential care homes in accordance with chapter 91 that shall
10 be designed to:

11 (1) Protect the health, safety, and civil rights of
12 persons residing in facilities regulated;

13 (2) Provide for the licensing of adult residential care
14 homes; provided that the rules shall allow group
15 living in two categories of adult residential care
16 homes as licensed by the department of health:



1 (A) Type I allowing five or fewer residents; provided
2 that up to six residents may be allowed at the
3 discretion of the department to live in a type I
4 home; provided further that the primary caregiver
5 or home operator is a certified nurse aide who
6 has completed a state-approved training program
7 and other training as required by the department;
8 and

9 (B) Type II allowing six or more residents, including
10 but not limited to the mentally ill, elders,
11 persons with disabilities, the developmentally
12 disabled, or totally disabled persons who are not
13 related to the home operator or facility staff;

14 (3) Comply with applicable federal laws and regulations of
15 Title XVI of the Social Security Act, as amended; and

16 (4) Provide penalties for the failure to comply with any
17 rule.

18 For the purposes of this subsection:

19 "Developmentally disabled" means a person with
20 developmental disabilities as defined under section 333F-1.



1 "Elder" has the same meaning as defined under section 356D-

2 1.

3 "Mentally ill" means a mentally ill person as defined under
4 section 334-1.

5 "Persons with disabilities" means persons having a
6 disability under section 515-2.

7 "Totally disabled person" has the same meaning as a person
8 totally disabled as defined under section 235-1.

9 (c) The department may provide for the training of and
10 consultations with operators and staff of any facility licensed
11 under this section, in conjunction with any licensing thereof,
12 and shall adopt rules to ensure that adult residential care home
13 operators shall have the needed skills to provide proper care
14 and supervision in a home environment as required under
15 department rules.

16 (d) The department shall establish a standard admission
17 policy and procedure which shall require the provision of
18 information that includes the appropriate medical and personal
19 history of the patient as well as the level of care needed by
20 the patient prior to the patient's referral and admission to any
21 adult residential care home facility. The department shall



1 develop appropriate forms and patient summaries for this
2 purpose.

3 (e) The department shall maintain an inventory of all
4 facilities licensed under this section and shall maintain a
5 current inventory of vacancies therein to facilitate the
6 placement of individuals in such facilities.

7 (f) The department shall develop and adopt a social model
8 of health care to ensure the health, safety, and welfare of
9 individuals placed in adult residential care homes. The social
10 model of care shall provide for aging in place and be designed
11 to protect the health, safety, civil rights, and rights of
12 choice of the persons to reside in a nursing facility or in
13 home- or community-based care.

14 (g) The department shall not license any adult residential
15 care home that is financed, managed, supervised, directed, or
16 owned in whole or in part by an individual convicted of an
17 offense under chapter 712, part III.

18 [~~g~~] (h) Any fines collected by the department of health
19 for violations of this section shall be deposited into the
20 office of health care assurance special fund."



1 SECTION 2. Section 321-15.62, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§321-15.62 Expanded adult residential care homes;**
4 **licensing.** (a) All expanded adult residential care homes shall
5 be licensed to ensure the health, safety, and welfare of the
6 individuals placed therein. The department shall conduct visits
7 and inspections pursuant to section 321-1.9.

8 (b) The director of health shall adopt rules regarding
9 expanded adult residential care homes in accordance with chapter
10 91 that shall implement a social model of health care designed
11 to:

12 (1) Protect the health, safety, civil rights, and rights
13 of choice of residents in a nursing facility or in
14 home- or community-based care;

15 (2) Provide for the licensing of expanded adult
16 residential care homes for persons who are certified
17 by the department of human services, a physician,
18 advanced practice registered nurse, or registered
19 nurse case manager as requiring skilled nursing
20 facility level or intermediate care facility level of
21 care who have no financial relationship with the home



1 care operator or facility staff; provided that the
2 rules shall allow group living in the following two
3 categories of expanded adult residential care homes as
4 licensed by the department of health:

5 (A) A type I home shall consist of five or fewer
6 residents with no more than two nursing facility
7 level residents; provided that more nursing
8 facility level residents may be allowed at the
9 discretion of the department; and provided
10 further that up to six residents may be allowed
11 at the discretion of the department to live in a
12 type I home; provided that the primary caregiver
13 or home operator is a certified nurse aide who
14 has completed a state-approved training program
15 and other training as required by the department;
16 and

17 (B) A type II home shall consist of six or more
18 residents, with no more than twenty per cent of
19 the home's licensed capacity as nursing facility
20 level residents; provided that more nursing



1 facility level residents may be allowed at the
2 discretion of the department;
3 provided further that the department shall exercise
4 its discretion for a resident presently residing in a
5 type I or type II home, to allow the resident to
6 remain as an additional nursing facility level
7 resident based upon the best interests of the
8 resident. The best interests of the resident shall be
9 determined by the department after consultation with
10 the resident, the resident's family, primary
11 physician, case manager, primary caregiver, and home
12 operator;

13 (3) Comply with applicable federal laws and regulations of
14 title XVI of the Social Security Act, as amended; and

15 (4) Provide penalties for the failure to comply with any
16 rule.

17 (c) The department may provide for the training of and
18 consultations with operators and staff of any facility licensed
19 under this section, in conjunction with any licensing thereof,
20 and shall adopt rules to ensure that expanded adult residential
21 care home operators shall have the needed skills to provide



1 proper care and supervision in a home environment as required
2 under department rules.

3 (d) The department shall establish a standard admission
4 policy and procedure which shall require the provision of
5 information that includes the appropriate medical and personal
6 history of the patient as well as the level of care needed by
7 the patient prior to the patient's referral and admission to any
8 expanded adult residential care home facility. The department
9 shall develop appropriate forms and patient summaries for this
10 purpose.

11 (e) The department shall maintain an inventory of all
12 facilities licensed under this section and shall maintain a
13 current inventory of vacancies therein to facilitate the
14 placement of individuals in such facilities.

15 (f) The department shall not license any expanded adult
16 residential care home that is financed, managed, supervised,
17 directed, or owned in whole or in part by an individual
18 convicted of an offense under chapter 712, part III."

19 SECTION 3. Section 321-15.9, Hawaii Revised Statutes, is
20 amended to read as follows:



1 **"§321-15.9 Developmental disabilities residential**
2 **services.** (a) The department of health is authorized to
3 license developmental disabilities domiciliary homes for
4 individuals with developmental or intellectual disabilities who
5 are unable to live independently and who require supervision or
6 care, but do not require care by licensed nurses in a
7 domiciliary setting; provided that nothing in this section shall
8 exclude the department of human services from licensing,
9 certifying, regulating, or entering into contracts for child
10 foster homes or providers that serve persons with developmental
11 or intellectual disabilities.

12 (b) For the purposes of this section:

13 "Developmental disabilities" shall be as defined under
14 section 333E-2.

15 "Developmental disabilities apartment complex" means an
16 apartment building composed of five or more separate apartment
17 units in which every apartment unit, except for one apartment
18 unit occupied by the operator or staff for the complex, is
19 dedicated to providing residences for individuals with
20 developmental or intellectual disabilities who do not require
21 twenty-four hour supervision or care.



1 "Developmental disabilities domiciliary home" means a
2 residence for not more than five persons with developmental or
3 intellectual disabilities that require twenty-four hour
4 supervision or care, but do not require care by licensed nurses
5 in a domiciliary setting.

6 "Intellectual disability" shall be as defined under section
7 333F-1.

8 (c) The director shall adopt rules regarding developmental
9 disabilities domiciliary homes in accordance with chapter 91
10 that shall be designed to:

11 (1) Establish criteria for licensure of homes, including
12 inspections, registration, fees, qualifications of
13 operators and staff, and other factors necessary to
14 ensure safe and appropriate operation of each home;

15 (2) Protect the health, safety, and civil rights of
16 persons residing in the homes;

17 (3) Provide for plans of care that include community
18 integration and support of persons residing in the
19 licensed homes;

20 (4) Provide for the licensure of homes of up to five
21 persons with developmental or intellectual



1 disabilities, and who are not related to the home
2 operator or facility staff;

3 (5) Establish penalties for the failure to comply with any
4 rule; and

5 (6) Establish criteria for training of operators and staff
6 of any developmental disabilities domiciliary home
7 licensed under this section.

8 (d) Rules adopted under this section shall be enforced by
9 the director.

10 (e) No single apartment in a developmental disabilities
11 apartment complex funded under this section shall be occupied by
12 more than two residents with developmental or intellectual
13 disabilities.

14 (f) The director shall establish criteria for contracts
15 for developmental disabilities apartment complexes and where
16 necessary to provide for additional funding for developmental
17 disabilities domiciliary homes.

18 (g) The department shall maintain a registry of all
19 developmental disabilities domiciliary homes licensed under this
20 section and a current inventory of vacancies.



S.B. NO. 857

Report Title:

Adult Residential Care Homes; Expanded Adult Residential Care Homes; Developmental Disabilities Domiciliary Homes; Licensing; Prohibitions

Description:

Prohibits the licensing of an adult residential care home, expanded adult residential care home, or developmental disabilities domiciliary home that is financed, managed, operated, supervised, directed, or owned in whole or in part by a person convicted of a gambling offense.

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

