
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; or

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

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

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

20 [~~(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 agency"
5 does not apply to an individual, including an individual who is
6 incorporated as a business, or is an unpaid or stipended
7 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 on July 1, 2050.
18



Report Title:

Home Care Agencies; Prohibitions; Limitations

Description:

Prohibits home care agencies from providing services outside the scope of their facility license. Effective 7/1/2050. (SD1)

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