

JAN 21 2026

A BILL FOR AN ACT

RELATING TO HOME CARE AGENCIES.

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

1 SECTION 1. The legislature finds that home care agencies
2 offer essential services to support the health, safety, and
3 wellbeing of the State's elderly residents and residents with
4 disabilities. The in-home services provided by home care
5 agencies help some elderly residents and residents with
6 disabilities avoid institutionalization and residential care.
7 However, the legislature recognizes that regulatory gaps have
8 allowed some home care agencies to provide services to clients
9 in residences that the home care agency or its investors own.
10 These home care agencies are essentially functioning as
11 residential care facilities or assisted living facilities
12 without obtaining the appropriate license. Residential care
13 homes and assisted living facilities are subject to stricter
14 health, safety, and staffing requirements than home care
15 agencies. Operating without the correct license may put
16 vulnerable clients at risk.



1 Accordingly, the purpose of this Act is to prohibit a home
2 care agency or person with a financial interest in the home care
3 agency from providing home care services to a client if the home
4 care agency or person owns or leases the client's residence.

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

7 "**§321-14.8 Home care agencies; licensing.** (a) Beginning
8 July 1, 2010, each home care agency shall be licensed by the
9 department of health to ensure the health, safety, and welfare
10 of clients.

11 (b) The department of health shall adopt rules pursuant to
12 chapters 91 and 201M 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.

16 (c) A service provider agency shall be exempt from the
17 licensing requirement of this section when services are
18 provided:

19 (1) Under contract for services with the city and county
20 of Honolulu, elderly affairs division of the
21 department of community services; or



1 (2) Exclusively to participants in the medicaid home and
2 community based services waiver, pursuant to
3 section 1915(c) of the Social Security Act, by an
4 agency approved by the department of human services
5 med-QUEST division.

6 (d) No home care agency or person with a financial
7 interest in the home care agency shall provide home care
8 services to a client if the home care agency or person owns or
9 leases the client's residence.

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

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

19 [~~(f)~~] (g) For the purposes of this section:

20 "Home care agency" means a public or proprietary agency, a
21 private, nonprofit organization, or a subdivision of an agency



1 or organization, engaged in providing home care services to
2 clients in the client's residence. "Home care agency" does not
3 apply to an individual, including an individual who is
4 incorporated as a business, or is an unpaid or stipended
5 volunteer.

6 "Home care services" may include:

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

13 SECTION 3. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 4. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval.

19 INTRODUCED BY: 



S.B. NO. 2364

Report Title:

Home Care Agencies; Home Care Services; Licensing

Description:

Prohibits a home care agency or person with a financial interest in the home care agency from providing home care services to a client if the home care agency or person owns or leases the client's residence.

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