
A BILL FOR AN ACT

RELATING TO HOME HEALTH LICENSING.

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

1 SECTION 1. The purpose of this Act is to authorize the
2 department of health to accept accreditation or certification
3 from an accreditation organization or a certification
4 organization approved by the Centers for Medicare and Medicaid
5 Services as demonstration that a licensed home health agency is
6 in compliance with all licensing inspections required by the
7 State.

8 SECTION 2. Section 321-91, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§321-91 Program of home health services.** (a) The
11 department of health is authorized to establish and administer a
12 program to provide home health services, pursuant to the
13 provisions of Title XVIII of the Social Security Act. Home
14 health services shall mean ancillary paramedical services
15 rendered in the patient's home, and shall include[] but not be
16 limited to[] professional nursing care, physiotherapy,
17 occupational therapy, speech and hearing therapy, medical social



1 services, and home health aide services. The authority of the
2 department [~~hereunder~~] under this subsection shall be liberally
3 construed in order that the State may receive the maximum
4 benefits of [~~said~~] Title XVIII.

5 (b) A home health agency that is licensed by the
6 department of health and accredited or certified by an
7 accreditation organization or a certification organization
8 approved by the Centers for Medicare and Medicaid Services may
9 be used to demonstrate the home health agency's compliance with
10 all licensing inspections required by the State. The home
11 health agency may be exempt from a licensing inspection on a
12 continuing basis throughout the term of the accreditation or
13 certification under the following conditions:

14 (1) The home health agency provides the department of
15 health with a certified copy of the home health
16 agency's official accreditation or certification
17 report;

18 (2) The home health agency continuously holds full
19 accreditation or certification and provides the
20 department of health with a certified copy of the home



1 health agency's official accreditation or
2 certification report; and
3 (3) The home health agency holds a current and valid state
4 license.

5 (c) The department of health may conduct an inspection and
6 investigation of a home health agency exempt from licensing
7 inspections pursuant to subsection (b) regarding complaints,
8 adverse accreditation or certification findings, or periodic
9 validation surveys.

10 (d) Information contained in reports of survey and
11 official accreditation or certification letters made by an
12 accreditation organization or a certification organization
13 approved by the Centers for Medicare and Medicaid Services that
14 are used in determining compliance with licensing requirements
15 pursuant to this section shall be public information.

16 (e) All other records maintained by the department of
17 health for the purposes of this section shall be governed by
18 chapter 92F."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.



Report Title:

DOH; Home Health Agencies; Licensing Inspections; CMS;
Accreditation Organizations; Certification Organizations; Public
Information

Description:

Authorizes the Department of Health to accept accreditation or certification from an accreditation organization or a certification organization approved by the Centers for Medicare and Medicaid Services as demonstration that a licensed home health agency is in compliance with all licensing inspections required by the State. Specifies conditions under which a home health agency may be exempt from a licensing inspection on a continuing basis throughout the accreditation or certification period. Requires information obtained in reports of survey and accreditation or certification letters to be public information. (CD1)

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