

A Bill for an Act Relating to Nursing Home Administrators.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

“CHAPTER

NURSING HOME ADMINISTRATORS ACT

Section -1. Short title. This Act may be cited as the ‘Nursing Home Administrators Act.’

Section -2. Definitions. As used in this chapter, unless the context otherwise requires:

(a) “Board” means the board of examiners of nursing home administrators.

(b) “Practice of nursing home administration” means the planning, organizing, directing, or controlling of the operation of a nursing home.

(c) “Administrator” means the individual responsible for planning, organizing, directing, and controlling of the operation of a nursing home.

Section -3. License required. Effective July 1, 1970, no person may operate a nursing home in the state without having a license or a temporary license and registered with the board as hereinafter provided. It shall be unlawful for any person not licensed under this chapter to practice or offer to practice nursing home administration or to use any sign, card, or device to indicate that he is licensed and registered as an administrator.

Section -4. Appointment, qualifications, term. The governor shall appoint the members of the board in accordance with section 26-34. The board shall consist of seven members who shall serve for a term of four years. No member shall be appointed to more than two full consecutive terms. Two members shall be administrators duly licensed and registered under this chapter, except that these two members who are appointed to the board prior to January 1, 1972, shall have served as nursing home administrators in the state prior to January 1, 1970.

Section -5. Meetings. The board shall meet annually and shall elect from its members a chairman and a vice-chairman. It may hold such other meetings during the year as may be deemed necessary to transact its business. The majority of the board shall constitute a quorum at any meeting.

Section -6. Powers and duties. The board shall:

(a) Develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators;

(b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(c) Issue licenses to individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the board in any case where the individual holding any such license is determined substantially to have failed to conform to the requirements of such standards;

(d) Establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards;

(e) Receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards;

(f) Conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the State with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such;

(g) Adopt in accordance with Chapter 91 such rules and regulations as may be necessary for the purposes of this chapter; and

(h) Maintain a record of all its proceedings.

Section -7. Subpoenas. The board may issue subpoenas to compel the attendance of witnesses and the production of documentary evidence or the production of any books, papers, or records. If any person subpoenaed as a witness fails or refuses to respond thereto, or refuses to answer questions material to the matter pending before the board propounded by an examiner, any circuit judge, upon application of the board or any examiner thereof, may enforce by proper proceeding the attendance and testimony of the witnesses. If any person wilfully testifies falsely under oath before the board or wilfully makes a false affidavit in any proceeding before the board, the person shall be charged for perjury and shall be subject to the penalties for perjury provided by law.

Section -8. Temporary license. The board may issue a temporary license to any person who has served as administrator in the State prior to January 1, 1970. A temporary license shall expire two years after its issuance. In no event shall a temporary license be issued or extended after December 31, 1972.

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Section -9. Fees. An applicant for a license to practice nursing home administration by examination shall pay a fee of \$25. A fee of \$10 is required for each re-examination. Application fees shall not be refundable.

The annual fee for a temporary license or a renewal of license shall be \$25.

Section -10. Injunctive relief. The board may apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a license or registered or whose license has been suspended or revoked or has expired from practicing nursing home administration; and, upon the filing of a verified petition in the court, the court or any judge thereof, if satisfied by affidavit or otherwise, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing nursing home administration. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it is established that the defendant has been or is practicing nursing home administration without having been issued a license or registered or has been or is practicing nursing home administration after his license has been suspended or revoked or has expired, the court or any judge thereof may enter a decree enjoining the defendant from further practicing nursing home administration. In case of violation of any injunction issued under this section, the court may summarily try and punish the offender for contempt of court. The injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter.

Section -11. Severability. If any provision of this chapter, or the application thereof to any person or circumstance is held invalid, the invalidity does not effect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Section -12. Penalties. Any person who violates this chapter shall be fined not more than \$500 for a first offense. For each subsequent offense he shall be fined not more than \$1,000, or imprisoned not more than one year, or both."

SECTION 2. Section 26-9 of the Hawaii Revised Statutes is amended by inserting the phrase "board of examiners of nursing home administrators," after the words "of nursing," in the seventh line of the third paragraph.

SECTION 3. There is hereby appropriated out of the general revenues of the State of Hawaii the sum of \$2,000, or so much thereof as may be necessary, to be expended by the department of regulatory agencies for the purposes of this Act.

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

(Approved June 12, 1970.)