

## ACT 29

H.B. NO. 3013-76

A Bill for an Act Relating to Adult Family Boarding Homes and Care Homes.

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

SECTION 1. The legislature finds that there are currently existing in the State several hundred facilities known either as adult family boarding homes or care homes which provide care for the elderly and handicapped in a home-like environment. The legislature finds that while the department of social services and housing began its adult family boarding home program in 1965, it was not until the passage of Act 20, Session Laws of Hawaii 1971, that explicit authorization for the regulation of adult family boarding homes was given the department. Act 20 gave the department the authority “. . . to recruit and license adult family board homes . . . to care for adult recipients who do not require the level of care provided in an intermediate care facility or care home”. Rule 12, “Rules and Regulations Governing Adult Family Boarding Homes”, defines an adult family boarding home as a family home operating as a business for profit providing accommodations to not more than three adults, unrelated to the family, who require minimal care and supervision in their daily activities.

Regarding care homes, the legislature finds that these are facilities which provide general or rehabilitative care incident to old age or disability not necessarily involving twenty-four hour medical care and in a noninstitutional setting. The legislature further finds that care homes fall under the category of home health agencies as provided for in section 321-11(10), Hawaii Revised Statutes, and are subject to licensing and regulation by the department of health.

The legislature in reviewing House Special Committee Report No. 5, January 23, 1976, submitted by the House Committee on Youth and Elderly Affairs finds that a number of complex and sensitive issues stem from the operation of adult family boarding homes and care homes. Among the key issues are those relating to the adequacy of care being provided in certain unlicensed facilities, the adequacy of the payment levels for care provided and the adequacy of the mechanisms for monitoring the operation of these facilities. The legislature concurs in general with the recommendations contained in House Special Committee Report No. 5 and endorses the proposed immediate and long-range solutions.

In summary, the legislature finds that of the several alternative approaches proposed for the amelioration of the problems with regard to adult family

boarding homes and care homes, the alternative of licensing all adult family boarding homes and concurrently providing placements of individuals in unlicensed facilities only in legitimate emergencies and for a limited time only, appears to be the most practical one.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“Sec. 321- Emergency placements in unlicensed care homes.** Placement of persons needing care in care homes shall be authorized only in facilities duly licensed by the department of health, except that in a bona fide emergency where no appropriate licensed facility is available, the department of health may authorize placement in an unlicensed facility; provided the department concurrently issues a special certificate authorizing such placement for a period not to exceed six consecutive calendar months; and provided further that immediate planning shall take place for the location of an appropriate licensed facility for the individual so placed in an unlicensed facility. In unusual circumstances where an appropriate licensed facility is unavailable, the department may, with the prior written approval of the director of health, extend authorization for continued placement in the unlicensed facility at the end of the initial six-month period for an additional period not to exceed one year.”

SECTION 3. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“Sec. 346- Emergency placements in unlicensed adult family boarding homes.** Placement of persons needing care in adult family boarding homes shall be authorized only in facilities duly licensed by the department except that in a bona fide emergency where no appropriate licensed facility is available, the department may authorize placement in an unlicensed facility; provided the department concurrently issues a special certificate authorizing such placement for a period not to exceed six consecutive calendar months; and provided further that immediate planning shall take place for the location of an appropriate licensed facility for the individual so placed in an unlicensed facility. In unusual circumstances where an appropriate licensed facility is unavailable, the department may, with the prior written approval of the director of social services, extend authorization for continued placement in the unlicensed facility at the end of the initial six-month period for an additional period not to exceed one year.”

SECTION 4. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 5. This Act shall take effect on July 1, 1976.

(Approved April 28, 1976.)

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\*Edited accordingly.