

ACT 129

H.B. NO. 3011-78

A Bill for an Act Relating to Health Planning.

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

SECTION 1. Purpose. The purpose of this Act is to amend the voting requirement for the Hawaii Statewide Health Coordinating Council and Sub-area Health Planning Councils so that any decision of the councils may be validated by a vote of the majority of the members present at a meeting when a majority of the members who have accepted nomination, and been confirmed and qualified as members are present.

The purpose of this Act is also to make a technical amendment to the definition in Section 323D-43, Hawaii Revised Statutes and to amend Section 323D-11, Hawaii Revised Statutes, to provide that the Administrator of the State health planning and development agency shall be appointed by the Governor subject to section 26-34.

SECTION 2. Section [323D-11],[†] Hawaii Revised Statutes, is amended to read as follows:

“Sec. 323D-11 State health planning and development agency. There is established within the Department of Health for administrative purposes only, the State health planning and development agency. The State agency shall be headed by an administrator who shall be appointed by the Governor [.] subject

[†]“323D-11” substituted for “323-11” to correct obvious clerical error.

to section 26-34. The State agency shall administer the State health planning activities pursuant to Public Law 93-641 or other subsequent Acts of Congress which may amend, repeal, or succeed Public Law 93-641."

SECTION 3. Section 323D-13, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 323D-13 Statewide health coordinating council. (a) There is established a statewide health coordinating council which shall be advisory to the State agency pursuant to Public Law 93-641, section 1524 and whose membership shall not exceed thirty members.

(b) The statewide council shall be appointed by the Governor in accordance with section 26-34. The membership of the statewide council shall be broadly representative of the age, sex, ethnic, income, and other groups that make up the population of the State and shall consist of:

- (1) One representative from each subarea council established in accordance with the provisions of section 323D-21.
- (2) Not less than fifty-one percent nor more than sixty percent of the membership shall be consumers of health care.
- (3) Not less than one-third of the members who are providers of health care shall be direct providers of health care.
- (4) Public elected officials and other representatives of governmental authorities and representatives of public agencies concerned with health which is not more than one-third of the total membership.
- (5) Representatives of private agencies concerned with health.
- (6) A percentage of individuals who reside in nonmetropolitan areas which is equal to the percentage of residents of the area who reside in non-metropolitan areas.

In addition the total membership shall include representation as may be required by applicable federal law or implementing regulations.

(c) The statewide council shall select a chairman from among its members. The members of the statewide council shall not be compensated but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(d) The number of members necessary to constitute a quorum to do business shall consist of a majority of all members who have accepted nomination to the council, and have been confirmed and qualified as members of the council. When a quorum is in attendance, the concurrence of a majority of the members in attendance shall make any action of the council valid."

SECTION 4. Section 323D-22, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 323D-22 Subarea health planning councils, functions [.] quorum and number of members necessary to take valid action. (a) Each subarea health planning council shall review, seek public input, and make recommendations relating to health planning for the geographical subarea it services. In addition, the subarea health planning councils shall:

- (1) Identify and recommend to the State agency and the council the data needs and special concerns of the respective subareas with respect to the

preparation of the State plan.

- (2) Provide specific recommendations to the State agency and the council regarding the highest priorities for health services and resources development.
- (3) Review the State health plan, the medical facilities plan and the annual implementation plan as they relate to the respective subareas and make recommendations to the State agency and the council.
- (4) Advise the State agency in the administration of the certificate of need program for their respective subareas.
- (5) Advise the State agency and the statewide council in the administration of the program to review applications for federal funds pursuant to section 323D-14(5).
- (6) Advise the State agency on the cost of reimbursable expenses incurred in the performance of their functions for inclusion in the State agency budget.
- (7) Advise the State agency in the performance of its specific functions.
- (8) Perform other such functions as agreed upon by the State agency and the respective subarea councils.
- (9) Each respective subarea health planning council shall recommend for gubernatorial appointment one person from its membership to be on the statewide council.

(b) The number of members necessary to constitute a quorum to do business shall consist of a majority of all the members who have accepted nomination to the council, and have been confirmed and qualified as members of the council. When a quorum is in attendance, the concurrence of a majority of the members in attendance shall make any action of the council valid."

SECTION 5. Section 323D-41, Hawaii Revised Statutes, is amended by amending the definition of "construct", "expand", "alter", "convert", "develop", "initiate", or "modify" to read as follows:

- (4) "Construct", "expand", "alter", "convert", "develop", "initiate", or "modify" includes the erection, building, reconstruction, modernization, improvement, purchase or establishment of a health care facility or health care service; the purchase or acquisition of equipment attendant to the delivery of health care service and the instruction or supervision therefor; the arrangement or commitment for financing the offering or development of a health care facility or health care service; and studies, surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary for any such undertaking, which will:
 - (A) Result in a total capital expenditure in excess of \$150,000, or
 - (B) Substantially modify, decrease, or increase the scope or type of health service rendered, or
 - (C) Increase, decrease, or change the class of usage of the bed complement of a health care facility."

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the

brackets, the bracketed material, or the underscoring.

SECTION 7. This Act shall take effect upon its approval.

(Approved May 24, 1978.)