

ACT 245

H.B. NO. 2682-82

A Bill for an Act Relating to Health Planning.

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

SECTION 1. Section 323D-12, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The state agency shall:

- (1) Conduct the health planning activities of the State in coordination with the subarea councils, implement the state health plan, and determine the statewide health needs of the State after providing reasonable opportunity for the submission of written recommendations respecting the needs by the department of health and other state agencies, designated by the governor for the purpose of making the recommendations, and after consulting with the statewide council. If any recommendation of any subarea health planning council is not incorporated into the state health plan an explanation stating the reasons for non-incorporation shall be appended to that plan.
- (2) Prepare, review at least triennially, and revise as necessary the preliminary state health plan. The state agency shall refer the preliminary state health plan to the department of health and other state agencies designated by the governor to review the goals and related resource requirements of the preliminary state health plan and to make written recommendations to the state agency respecting the goals and requirements.
- (3) Prepare, review, and revise the annual implementation plan.
- (4) Assist the statewide council in the performance of its functions.
- (5) Administer the state certificate of need program pursuant to part V of this chapter.
- (6) Determine the need for new institutional health services proposed to be offered within the State.
- [(7) Review on a periodic basis, but not less often than every five years, the appropriateness of at least those institutional and home health services offered in the State and with respect to which goals have been established in the state health plan. In making the appropriateness review, the state agency shall at least consider the need for the service, its accessibility and availability, its financial viability, its cost effectiveness, and the quality of service provided.

- (8)] (7) Serve as staff to and provide technical assistance and advice to the statewide council and the subarea councils in the preparation, review and revision of the state health plan.
- [(9)] (8) Prepare an inventory of the health care facilities, other than federal health care facilities, located in the State and evaluate on an ongoing basis the physical condition of the facilities.
- [(10)] (9) Provide technical assistance to persons, public or private, in obtaining and filling out the necessary forms for the development of projects and programs.
- [(11)] (10) Do all things necessary as required by federal and state laws."

SECTION 2. Chapter 323D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§323D- Additional function; state agency. Unless required by federal law or federal regulations, the state agency may review on a periodic basis, but not more often than every five years, the appropriateness of at least those institutional and home health services offered in the State and with respect to which goals have been established in the state health services and facilities plan. In making the appropriateness review, the state agency shall at least consider the need for the service, its accessibility and availability, its financial viability, its cost effectiveness, and the quality of service provided."

SECTION 3. Section 343D-41, Hawaii Revised Statutes, is amended by amending the definition of "expenditure minimum" to read as follows:

"(5) "Expenditure minimum" means [\$150,000, unless otherwise adjusted.] \$600,000 for capital expenditures, \$400,000 for major medical equipment, and \$250,000 for operating costs for new services. The state agency may adopt rules in conformity with chapter 91 which provide that the expenditure minimum may be periodically adjusted to reflect any change in an index [maintained or developed by the United States Department of Commerce and] designated by the secretary by federal regulation for purposes of making the adjustment."

SECTION 4. Section 323D-44, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The state agency shall [approve or deny or grant conditional certification to an] issue a decision on the application within ninety days after the beginning of the period for agency review, unless the state agency within the ninety days notifies the applicant in writing that the period for agency review [of the application] has been extended by the state agency sixty days beyond the ninety days. [If the state agency fails to approve or deny or grant conditional certification to an application within the period for agency review, the applicant may, within ninety days following the expiration of the period for agency review, bring an action in the nature of mandamus in the circuit court of the circuit in which the applicant resides or in the circuit in which the health care facility or health care service is or was planned to be located to compel the state agency to approve or deny or grant conditional certification to the applicant.] The decision shall be subject to post-decision review procedures which the state agency may provide for by rules adopted in conformity with chapter 91."

SECTION 5. Chapter 323D, Hawaii Revised Statutes, is amended by deleting the term “state health plan” wherever it appears in Chapter 323D, Hawaii Revised Statutes, and by substituting in lieu thereof the term “state health services and facilities plan.”

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored.¹

SECTION 7. This Act shall take effect upon its approval but shall not apply to any certificate of need application filed with the state health planning and development agency prior to the effective date of the Act.

(Approved June 14, 1982.)

Note

1. Edited pursuant to HRS §23G-16.5.