

ACT 135

S.B. NO. 181

A Bill for an Act Relating to the Nursing Home Administrators Act.

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

SECTION 1. Section 457B-3, Hawaii Revised Statutes, is amended to read as follows:

**“~~[[~~§457B-3~~]]~~ License required.** [Effective July 1, 1970, no] No person [may] shall operate a nursing home in the [state] State without having a license [or a temporary license] and being 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] the person is licensed and registered as an administrator.”

SECTION 2. Section 457B-5, Hawaii Revised Statutes, is amended to read as follows:

**“~~[[~~§457B-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 3. Section 457B-6, Hawaii Revised Statutes, is amended to read as follows:

“**[[§457B-6]] Powers and duties.** The board shall:

- (1) Develop, impose, and enforce standards which [must] shall 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] shall 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;
- (2) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets [such] the board's standards;
- (3) Issue licenses to individuals determined, after the application of [such] appropriate techniques, to meet [such] the board's standards, and revoke or suspend licenses previously issued by the board in any case where the individual holding [any such] a license is determined substantially to have failed to conform to the requirements of [such] the board's standards;
- (4) Establish and carry out procedures designed to insure that individuals licensed as nursing home administrators [will,] shall, during any period that they serve as such, comply with the requirements of [such] the board's standards;
- (5) 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] the board's standards;
- (6) 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 of nursing homes and of procedures and methods for the enforcement of [such] licensing standards with respect to administrators of nursing homes who have been licensed [as such];
- (7) Adopt in accordance with chapter 91 [such] rules [and regulations] as may be necessary for the purposes of this chapter; and
- (8) Maintain a record of all its proceedings.”

SECTION 4. Section 457B-10, Hawaii Revised Statutes, is amended to read as follows:

“**[[§457B-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] the defendant's 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 5. Section 457B-12, Hawaii Revised Statutes, is amended to read as follows:

"~~[[§457B-12]]~~ **Penalties.** Any person who violates this chapter shall be fined not more than \$500 for a first offense. For each subsequent offense [he] the person shall be fined not more than \$1,000, or imprisoned not more than one year, or both.

SECTION 6. Section 457B-8, Hawaii Revised Statutes, is repealed.

SECTION 7. Statutory material to be repealed is bracketed. New material is underscored.<sup>1</sup>

SECTION 8. This Act shall take effect upon its approval.

(Approved May 28, 1983.)

**Note**

1. Edited pursuant to HRS §23G-16.5.