

ACT 334

H.B. NO. 3464

A Bill for an Act Relating to Adult Residential Care Homes.

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

SECTION 1. Section 321-15.1, Hawaii Revised Statutes, is amended to read as follows:

“[§321-15.1] Definitions. Whenever used in this chapter, unless the context otherwise requires:

“Adult residential care home” means any facility providing twenty-four-hour living accommodations, for a fee, to adults unrelated to the family, who require at least minimal assistance in the activities of daily living, personal care services, protection, and health care services, but who do not need the professional health services [of] provided in an intermediate, skilled nursing, or acute care facility.”

SECTION 2. Section 321-15.6, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) The director shall adopt rules regarding adult residential care homes in accordance with chapter 91 which shall be designed to:

- (1) Protect the health, safety, and civil rights of persons residing in facilities regulated;
- (2) Provide for the licensing of [facilities providing domiciliary care;] adult residential care homes; provided that the rules shall allow group living in two categories of [an] adult residential care homes as licensed by the department of health: type I allowing group living by five or fewer unrelated persons, and type II allowing six or more [of up to five] persons [,] including, but not limited to, the mentally ill, the elderly, the handicapped, the developmentally disabled, or the totally disabled persons who are not related to the home operator or facility staff. For purposes of this section, “mentally ill person” means a mentally ill person as defined under section 334-1; “elderly person” means an elderly person as defined under section 359-52; “handicapped person” means an individual with a physical handicap as defined under section 515-2; “developmentally disabled person” means a person [suffering from] with developmental disabilities as defined under section 333E-2; and “totally disabled person” means a person totally disabled as defined under section 235-1;
- (3) Comply with applicable federal laws and regulations of Title XVI of the Social Security Act, as amended; and
- (4) Provide penalties for the failure to comply with any rule.

(c) The department [shall] may provide for the training of and consultations to operators and staff of any facility licensed under this section, in conjunction with any licensing thereof, and shall adopt rules to ensure that adult residential care home operators shall have the needed skills to provide proper care and supervision

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in a home environment (i.e., first aid, cardiopulmonary resuscitation, and nutrition training as a minimum). [Such training shall be provided at the expense of the State.]”

SECTION 3. The Department shall provide training at state expense up to December 31, 1988 for all operators currently involved in the Department of Health training program.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 1988.

(Approved June 13, 1988.)