

ACT 180

S.B. NO. 3170

A Bill for an Act Relating to Developmental Disabilities Domiciliary Homes.

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

SECTION 1. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§321- Developmental disabilities domiciliary homes. (a) The department of health is authorized to license developmental disabilities domiciliary homes for individuals with developmental disabilities or mental retardation who are unable to live independently and who require supervision or care, but do not require care by licensed nurses in a domiciliary setting.

(b) For the purposes of this section, “developmental disabilities” shall be as defined under section 333E-2; and “mental retardation” shall be as defined under section 333F-1.

(c) The director shall adopt rules regarding developmental disabilities domiciliary homes in accordance with chapter 91 which shall be designed to:

- (1) Establish criteria for licensure of homes, including inspections, registration, fees, qualifications of operators and staff, and other factors necessary to ensure the safe and appropriate operation of each home;
- (2) Protect the health, safety, and civil rights of persons residing in the homes;
- (3) Provide for plans of care which include community integration and training of persons residing in the licensed homes;
- (4) Provide for the licensure of homes of up to five persons who are developmentally disabled or mentally retarded, and who are not related to the home operator or facility staff;
- (5) Establish penalties for the failure to comply with any rule; and
- (6) Establish criteria for training of operators and staff of any facility licensed under this section.

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(d) Rules adopted under this section shall be enforced by the director.

(e) The department shall maintain a registry of all facilities licensed under this section and a current inventory of vacancies to facilitate the placement of individuals in these facilities.

(f) The rate of payment for residents in the developmental disabilities domiciliary homes shall be determined on the same basis as domiciliary care homes as provided under section 346-53.”

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by \$75,000, or 0.0029 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$75,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the purposes of this Act.

SECTION 4. The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect upon its approval; provided section 3 shall take effect on July 1, 1990.

(Approved June 19, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.