

ACT 188

H.B. NO. 1357

A Bill for an Act Relating to Health.

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

SECTION 1. Section 321-1.4, Hawaii Revised Statutes, is amended to read as follows:

“~~[§321-1.4]~~ **Hospital and medical facilities special fund; deposits; expenditures.** (a) There is established within the department of health, to be administered by the department of health, the hospital and medical facilities special fund into which shall be deposited all moneys collected under section 321-11.5(b).

(b) Moneys in the special fund shall be expended by the department ~~[to]:~~

(1) To assist in offsetting educational program expenses of the department’s hospital and medical facilities branch[-]; and

(2) For the purpose of enhancing the capacity of hospital and medical facilities programs to:

(A) Improve public outreach efforts and consultations to industries regulated; and

(B) Educate the public, the staff of the department of health, hospitals, nursing homes, and care homes, and industries regulated.

Not more than \$230,000 of the special fund may be used during any fiscal year for education.

(c) Any amount in the special fund in excess of \$356,000 on June 30 of each year shall be deposited into the general fund.

(d) The department of health shall submit a report to the legislature concerning the status of the special fund, including the amount of moneys deposited into and expended from the special fund, and the sources of receipts and uses of expenditures, no later than twenty days prior to the convening of each regular session."

SECTION 2. Section 321-15.6, Hawaii Revised Statutes, is amended to read as follows:

"§321-15.6 Adult residential care homes; licensing. (a) All adult residential care homes shall be licensed to ensure the health, safety, and welfare of the individuals placed therein.

(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 adult residential care homes; provided that the rules shall allow group living in two categories of adult residential care homes as licensed by the department of health:
 - (A) Type I allowing group living by five or fewer unrelated persons; and
 - (B) Type II allowing six or more persons including but not limited to the mentally ill, elders, the handicapped, the developmentally disabled, or 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.

"Elder" means an elder as defined under sections 201G-1 and 201G-151.

"Handicapped person" means an individual with a physical handicap as defined under section 515-2.

"Developmentally disabled person" means a person with developmental disabilities as defined under section 333F-1.

"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 may provide for the training of and consultations with 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 in a home environment as required under department rules.

(d) The department shall establish a standard admission policy and procedure which shall require the provision of information that includes the appropriate medical and personal history of the patient as well as the level of care needed by the patient prior to the patient's referral and admission to any adult residential care home facility. The department shall develop appropriate forms and patient summaries for this purpose.

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

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(f) The department shall develop and adopt a social model of health care to ensure the health, safety, and welfare of individuals placed in adult residential care homes. The model of care shall be designed to protect the health, safety, civil rights, and rights of choice of the persons to reside in a nursing facility or in home- or community-based care.

(g) Any fines collected by the department for violations of this section shall be deposited into the general fund.”

SECTION 3. The Healthcare Association of Hawaii shall submit a report to the legislature no later than twenty days prior to the convening of the regular session of 2003 on the status of how hospitals in the State handle and provide for the security of the personal effects of hospital patients. The report shall include a detailed summary of personal effects that were reported missing by hospital patients during the 2002 calendar year, including:

- (1) A summary of the types of items reported missing;
- (2) Action taken by the hospital in response to the report of missing items;
and
- (3) Suggestions for improving procedures to respond to reports of missing items, including suggested legislation, if necessary.

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

SECTION 5. This Act shall take effect upon its approval.

(Approved June 25, 2002.)