

A Bill for an Act Relating to Health.

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

SECTION 1. The legislature finds that the department of health is responsible for licensing, certifying, and monitoring several types of care facilities. Although the department performs inspections to ensure a standard of quality of these facilities using state moneys, the public currently cannot easily access the information contained in the inspection reports. The legislature finds that the public would benefit from greater access to information on the quality and conditions of care facilities in Hawaii.

The purpose of this Act is to require the department of health to make available to the public, free of charge, information collected from the department's inspections in certain care facilities and establish a working group to develop a new inspection form to be posted online with information that is fair to care home operators and useful to the public.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§321- Inspections; public notice. (a) Beginning with inspections occurring on January 1, 2015, the department of health shall post on its website electronic copies of reports for all inspections it performs of the following state-licensed care facilities:

- (1) Adult day health centers;
- (2) Adult day care centers;
- (3) Community care foster family homes;
- (4) Developmental disabilities domiciliary homes as defined in section 321-15.9;
- (5) Developmentally disabled adult foster homes;
- (6) Long-term care facilities as defined in section 349-21(f); and
- (7) Special treatment facilities as defined in section 334-1.

(b) Each report shall be posted on the department of health's website within five working days of the conclusion of each inspection and shall include the following information:

- (1) The date of the inspection;
- (2) A description of violations of relevant state laws or rules, if applicable;
- (3) Plans of correction and the status of corrective actions in response to any violations, if applicable;
- (4) A list and description of all corrective actions taken by the facility, if applicable, to be submitted by the facility and added to the report at a later time, as determined by the department; and
- (5) Other information regarding the quality and conditions of the facility the department of health deems appropriate.

(c) Each report posted on the department of health's website that reports a violation committed by a state-licensed care facility as described in subsection (a) shall be removed from the website after three years from the date the report was posted.”

SECTION 3. (a) There is established under the department of health for administrative purposes a working group on licensed care facilities.

(b) The working group shall develop an inspection form to be posted online with information that is fair to the care home operators and useful to the public. The inspection form shall maintain the necessary objectivity and clarity in presenting relevant information to consumers.

(c) The following individuals or their designees shall serve as members of the working group:

- (1) The director of health, who shall serve as the chairperson of the working group;
- (2) The director of commerce and consumer affairs;
- (3) The chief information officer of the office of information management and technology;
- (4) The director of the executive office on aging; and
- (5) The long-term care ombudsman.

(d) The director of health shall invite representatives from the following to also serve as members of the working group:

- (1) Major caregiver provider groups from the state-licensed care facilities specified under section 321- (a), Hawaii Revised Statutes; and
- (2) Advocacy groups.

Members of the working group shall serve without compensation and without reimbursement for expenses.

(e) The working group shall report its findings and recommendations to the legislature no later than twenty days prior to the convening of the regular session of 2014.

(f) The working group shall be dissolved on June 30, 2014.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$74,000 or so much thereof as may be necessary for fiscal year 2013-2014 and the same sum or so much thereof as may be necessary for fiscal year 2014-2015 to fund computer equipment, website and database development, and staff support, including two full-time equivalent positions (2.0 FTE).

The sums 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 on July 1, 2013.

(Approved June 27, 2013.)

Note

1. Edited pursuant to HRS §23G-16.5.