

ACT 125

H.B. NO. 2094

A Bill for an Act Relating to Home Care Licensing.

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

SECTION 1. The legislature finds that home care is a quickly expanding component of elderly care, largely because the overwhelming majority of the growing elderly population prefers to age in their homes in spite of disabilities they may have. Home care enables the aging population to remain in their homes by providing assistance with daily living activities and by providing other related in-home care. The public must be assured that home care agencies are meeting minimum standards when delivering care. Because many elderly live alone and are facing declining mental functions, the State must ensure that Hawaii's elderly population is receiving the highest quality care from home care providers.

In the special session of 2009, the legislature passed S.B. No. 415, S.D. 2, H.D. 1, C.D. 1, which was enacted as Act 21, Special Session Laws of Hawaii 2009. The purpose of Act 21 was to protect consumers of home care services by requiring home care agencies to be licensed. Act 21 designates the department of health as the home care licensing agency. The department of health has collaborated with home care agencies, consumer advocates, and other stakeholders to draft the administrative rules needed to implement licensing. The drafted rules are in the last stage of the approval process.

The purpose of this Act is to:

- (1) Extend by five years the repeal date of Act 21, Special Session Laws of Hawaii 2009, which requires home care agencies to be licensed by the department of health; and
- (2) Appropriate funds to establish one full-time equivalent, permanent position in the department of health to facilitate the licensing of home care agencies; provided that it is not the intent of the legislature that the position be funded by moneys in the office of health care assurance special fund established by section 321-1.4, Hawaii Revised Statutes.

SECTION 2. Act 21, Special Session Laws of Hawaii 2009, is amended by amending section 8 to read as follows:

“SECTION 8. This Act shall take effect on July 1, 2009, and shall be repealed on June 30, ~~2014;~~ 2019; provided that sections 321-11 and 321-11.5(b), Hawaii Revised Statutes, and the definition of “healthcare facility” in section 321-15.2, Hawaii Revised Statutes, shall be reenacted in the form in which they read on June 30, 2009.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$150,000 or so much thereof as may be necessary

for fiscal year 2014-2015 for the establishment of one full-time equivalent (1.00 FTE) permanent position in the department of health to facilitate the licensing of home care agencies.

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

SECTION 4. Beginning with fiscal year 2015-2016 and each fiscal year thereafter, the department of health shall request funding for the permanent position that facilitates the licensing of home care agencies as part of its annual budget request to the director of finance.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on June 29, 2014; provided that section 3 shall take effect on July 1, 2014.

(Approved June 24, 2014.)