

ACT 51

S.B. NO. 1438

A Bill for an Act Relating to Home Care Agencies.

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

SECTION 1. Section 321-14.8, Hawaii Revised Statutes, is amended to read as follows:

“§321-14.8 Home care agencies; licensing. (a) Beginning July 1, 2010, each home care agency shall be licensed by the department of health to ensure the health, safety, and welfare of clients.

(b) The department of health shall adopt ~~interim rules, which shall be exempt from chapters 91 and 201M, to effectuate the licensure of home care agencies; provided that the interim rules shall remain in effect until the sooner of October 1, 2018, or the adoption of]~~ rules pursuant to chapters 91 and 201M to:

- (1) Protect the health, safety, and civil rights of clients of home care agencies; and
- (2) Provide for the licensure of home care agencies.
- (c) A service provider agency shall be exempt from the licensing requirement of this section when services are provided:

ACT 51

- (1) Under contract for services with the city and county of Honolulu, elderly affairs division[;] of the department of community services;
or
- (2) Exclusively to participants in the medicaid home and community based services waiver, pursuant to section 1915(c) of the Social Security Act, by an agency approved by the department of human services med-QUEST division.

(d) A home care agency shall only provide home care services or related tasks, functions, and activities in accordance with its license, and shall not provide services authorized by chapter 457 unless those services are provided by a registered nurse, a licensed practical nurse, or an advanced practice registered nurse.

(e) Violations of this section shall be subject to the penalties and remedies provided in this chapter and rules adopted by the department of health.

~~[(d)]~~ (f) For the purposes of this section:

“Home care agency” means a public or proprietary agency, a private, nonprofit organization, or a subdivision of an agency or organization, engaged in providing home care services to clients in the client’s residence. ~~[The term “home care agency”]~~ “Home care agency” does not apply to an individual, including an individual who is incorporated as a business, or is an unpaid or stipended volunteer.

“Home care services” may include ~~[but are not limited to]:~~

- (1) Personal care, including assistance with dressing, feeding, and personal hygiene to facilitate self-care;
- (2) Homemaker assistance, including housekeeping, shopping, and meal planning and preparation; and
- (3) Respite care and assistance and support provided to the family.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 15, 2025.)