

HAWAII

§11-94-1 Purpose. The purpose of this chapter is to establish minimum requirements for the protection of health, welfare and safety of patients, personnel and public in skilled nursing/intermediate care facilities. This chapter shall not be construed to lower standards, ordinances, or rules established by other divisions or subdivisions of government. In all instances the more stringent rules shall apply. [Eff. May 3, 1985] (Auth: HRS §§321-9, 321-10, 321-11) (Imp: HRS §§321-9, 321-10, 321-11)

§11-94-2 Definitions. As used in this chapter:

"Cardiopulmonary resuscitation" or "CPR" means an emergency first aid procedure that consists of opening and maintaining a patient's airway, providing artificial ventilation by means of rescue breathing, and providing artificial circulation by means of external cardiac compression.

"Controlled drugs" includes drugs listed as being subject to high incidences of abuse as defined in chapter 329, HRS.

"Department" means the department of health, State of Hawaii.

"Dentist" means any person holding a valid license to practice dentistry in the State of Hawaii, pursuant to chapter 448, HRS.

"Dietetic service supervisor" is a person who:

- (1) Is a qualified dietitian; or
- (2) Is a graduate of a dietetic technician training program; or
- (3) Is a graduate of a state approved course that provided ninety or more hours of classroom instruction food service supervision and has experience as a supervisor in a health care institution with consultation from a dietitian; or
- (4) Has training and experience in food service supervision and management equivalent in content to the program in paragraphs (2) and (3).

"Dietitian" means a person who:

- (1) Is registered by the Commission on Dietetics Registration; or

(2) Is eligible for such registration.

"Director" means the director of health, State of Hawaii, or a duly authorized agent.

"Drug administration" means the act in which a single dose of a prescribed drug or biological substance is given to a patient by an authorized person in accordance with all existing laws and rules governing those acts. The entire act of administration entails removing an individual dose from a previously dispensed properly labeled container (unit dose included), verifying the dosage with the physician's orders, giving the specified dose to the proper patient and promptly recording the time and dose given to the patient and signing the record. Only a licensed nurse or physician may administer medications.

"Drug dispensing" means the act which involves the interpretation of the physician's order and, pursuant to that order, the proper selection, measuring, packaging, labeling and issuance of the drug or biological substance for a patient or a specified unit of the facility.

"Governing body" means the policy making authority, whether an individual or a group, who exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individual it serves.

"Intermediate care facility" is a facility which provides appropriate care to persons referred by a physician. Such persons are those who:

- 1) Need twenty-four hour a day assistance with the normal activities of daily living;
- 2) Need care provided by licensed nursing personnel and paramedical personnel on a regular, long-term basis, and;
- 3) Do not need skilled nursing or paramedical care twenty-four hours a day.

"License" means a license issued by the department of health certifying the compliance with all existing Hawaii state laws and rules relative to the operation of a skilled nursing or intermediate care facility.

"Licensed practical nurse" means a nurse licensed as such by the State of Hawaii, as defined by chapter 457, HRS.

"Licensed nurse" means a licensed practical nurse or a registered professional nurse.

"Nurse aide" means a person who has successfully completed a nurse aide training course or an orientation and training program in the tasks to be performed, and works under the supervision of a registered nurse in either a skilled nursing or intermediate care facility.

"Occupational therapist" means a person currently registered or eligible for registration by the American Occupational Therapy Association.

"Occupational therapy assistant" means a person who is currently registered or eligible for registration by the American Occupational Therapy Association as an occupational therapy assistant.

"Pharmacist" means a person who is licensed as a "registered pharmacist" by the State of Hawaii, pursuant to chapter 461, HRS.

"Physical therapist" means a person who has a permit to practice as a physical therapist issued by the State of Hawaii.

"Physical therapy assistant" means a person who has graduated from a two year college-level program approved by the Section on Education of the American Physical Therapy Association.

"Physician" means a person holding a valid license to practice medicine and surgery or osteopathy issued by the State of Hawaii, pursuant to chapter 453 or 460, HRS.

"Provisional license" means a license issued for a specified period of time at the discretion of the director in order to allow additional time for compliance with all licensing requirements. No more than two successive provisional licenses shall be issued to a facility.

"Registered professional nurse" means a person who is licensed as a registered nurse by the State of Hawaii, pursuant to chapter 457, HRS.

"Skilled nursing facility" means a health facility which provides skilled nursing and related services to patients whose primary need is for twenty-four hours of skilled nursing care on an extended basis and regular rehabilitation services.

"SNF/ICF swing bed facility" means a facility which may provide care for patients requiring either skilled nursing care or intermediate nursing care in any of its beds.

"Social worker" means a person who has a master's degree from a school of social work accredited by the Council on Social Work Education or has a bachelor's degree from an accredited school of social work, plus two years experience in a hospital, skilled nursing or intermediate care facility, or some other health care agency or facility.

"Social work designee" means a staff person with on-the-job training who is supervised by means of consultation with a qualified social worker.

"Speech pathologist, therapist, or audiologist" means a person who is licensed by the state, pursuant to chapter 468E, HRS, and is:

(1) Eligible for a certificate of clinical competence in the appropriate area of speech therapy, pathology, or audiology, granted by the American Speech and Hearing Association; or

(2) Meets the educational requirements for certification and is in the process of accumulating the supervised experience required for examination for certification.

"Tuberculin skin test" means an intradermal injection of .0001 mg (5 tuberculin units) of purified protein derivative in 0.1 cc of sterile diluent. If the size of any resulting palpable induration at forty-eight hours to seventy-two hours after injection is 10 mm or greater in its transverse diameter, the reaction to the skin test shall be considered significant.

"Waiver" means an exemption from a specific rule or regulation which may be granted to a facility for a specified period of time at the discretion of the director. No waiver shall be for a duration longer than one year.

The meaning of all adjectives and adverbs such as "proper", "convenient", "good", "minimum", "thorough", "sufficient", "satisfactory", "adequate", "suitable", clearly used to qualify a person, equipment, service, or building being difficult or impossible to define shall be determined by the director or duly authorized agent. Whenever the singular is used in this chapter it can include the plural. [Eff. May 3, 1985] (Auth: HRS §§321-9, 321-11) (Imp: HRS §§321-9, 321-11)