

HAWAII

§11-94-3 Licensing.

(a) The facility shall meet all requirements for licensure under state law. All skilled nursing and intermediate care facilities shall be licensed except those operated by the federal government or agency thereof. The proprietor, the governing body, or the person in charge shall file an application with the director on forms furnished by the department, and the facility shall be licensed pursuant to this chapter prior to admitting patients.

(b) The director or designated representative shall inspect each skilled nursing and intermediate care facility at least annually for relicensing. The director or designated representative, without prior notice, may enter the premises at any reasonable time to secure compliance with or to prevent a violation of this chapter.

(c) Summary reports of annual licensing inspections shall be kept on file in the facility.

(d) No facility licensed under the provisions of this chapter, shall deny admission to any individual on account of race, religion, ancestry, or national origin.

(e) The director shall prescribe the content and form of the license, and may authorize a waiver or waivers for a particular facility.

(f) In the event of a change of name, location, ownership, or occupancy, the director shall be notified fifteen days prior to the change; an inspection at the discretion of the director, shall be conducted and, if the provisions of this chapter are met, a new license issued.

(g) Every regular license shall continue in force for a period of one year unless otherwise specified, or unless it is suspended or revoked.

(h) Following the annual inspection a list of deficiencies, if any, shall be presented to the facility. The facility shall return a plan of correction of the deficiencies to the department within ten days. Facilities shall be allowed a reasonable time to implement the plan of correction. A follow-up survey shall be made by the department to determine the progress in the plan of correction. If there has not been substantial progress in carrying out the plan of correction, the license shall not be renewed. At the discretion of the director a provisional license may be issued.

(i) The current license shall be posted in a conspicuous place visible to the public within the facility. A facility which has fulfilled the requirements to be licensed both as a skilled nursing facility and as an intermediate care facility shall be known as an SNF/ICF swing bed facility and this shall be indicated on their license.

(j) The director may suspend, revoke, or refuse to issue a license for failure to comply with the requirements of this chapter, or for any cause deemed a hazard to the health and safety of the patients, employees, or the general public. Any person affected by the director's final decision of denial, suspension, or revocation may appeal in accordance with chapter 91, HRS.

(k) An application for a license may be denied for any of the following reasons:

(1) Failure to meet requirements of this chapter.

(2) Financial inability to operate and conduct the facility in accordance with these required minimum standards and rules.

(1) Penalties, hearing and appeals. In addition to any other appropriate action to enforce this chapter, the director may initiate procedures for invoking fines as provided in §321-18, HRS, and to withdraw the license after hearings held in accordance with chapter 91, HRS.

(1) Infractions which may require invoking the above procedures include, but are not limited to the operation of a skilled nursing or intermediate care facility without a license granted by the department or if substantive violations of this chapter are found as a result of routine or unannounced inspection of a facility which has a license.

(2) Any person affected by the director's final decision of denial, suspension, or revocation, may appeal in accordance with chapter 91, HRS.

(m) Appropriate fees, if any, as determined by the director, shall be charged by the department for obtaining a new license or obtaining a license renewal. Prior notice of the amount of the fee shall be provided the licensee.

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