



DEPARTMENT OF HEALTH

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Hawai'i Department of Health's Office of Health Care Assurance cites Emily Lee for illegally operating unlicensed adult residential care home

HONOLULU – The Hawai'i Department of Health's Office of Health Care Assurance (OHCA) is committed to protecting the health, safety and wellbeing of seniors by conducting ongoing investigations and taking appropriate action toward unlicensed adult residential care homes.

OHCA has issued a Notice of Violation and Order (NOVO) to Emily Lee, owner and operator of an illegal adult residential care home located at 92-1769 Ocean View Parkway, Ocean View, Hawaii 96704. Lee was ordered to immediately cease and desist operations of the unlicensed facility and to pay an administrative penalty.

Keith Ridley, OHCA chief, said, "Our priority is to ensure the wellbeing of our kupuna by keeping them healthy and safe at facilities that are licensed and regulated. State licensure ensures that caregivers are trained and experienced to provide care and have been cleared background checks. We encourage the public to contact the Department of Health if they suspect unusual activity or are uncertain whether the facility is licensed."

Based on OHCA's unannounced visit and investigation conducted in response to complaints, OHCA determined Emily Lee was operating an illegal care home. The home was operating unlawfully as an adult residential care home because they provided living accommodations for at least one unrelated individual, 24 hours per day, for a fee, and the residents were receiving assistance with activities of daily living, personal care services, protection, and health care services, even though they did not have a valid license issued by OHCA.

In addition to requiring Emily Lee to cease operations upon receipt of the NOVO, the company must also comply with other requirements:

1. Safely transfer the residents from Lee's unlicensed care home to a licensed adult residential care home or expanded adult residential care home within seven days;

2. Notify OHCA in writing within one calendar day after the residents have been safely transferred to a licensed or certified facility and provide the name and address of the licensed or certified facility;
3. Pay a fine to the Hawai'i Department of Health totaling \$86,900. This is based on \$100 for each day of unlicensed operation times 869 days as calculated from the date of admission of residents to the unlicensed residential care home to the date of transfer of all residents, inclusive from October 13, 2017 to February 28, 2020, the end of the seven-day period when the residents must be transferred to a licensed adult residential care home or expanded adult residential care home; and
4. Disclose to the Hawai'i Department of Health whether or not there are any other care homes operated by Emily Lee or any other entity, agency, or organization owned, managed, or operated by Emily Lee.

An adult residential care home and expanded adult residential care home are defined as any facility that provides 24-hour living accommodations for a fee to adults unrelated to the family that operates it and requires at least minimal assistance in the activities of daily living, personal care services, protection, and health care services, but does not need the professional health services provided in an intermediate, skilled nursing, or acute care facility.

Under state law, Emily Lee has 20 days to submit a written request to the Department of Health to request a hearing to contest the Notice and Order.

The NOVO does not preclude or limit actions by any other public agency or private party. Whenever OHCA surveyors identify potential abuse or neglect, these incidents are immediately reported to Adult Protective Services (APS), another state agency, for a thorough investigation. APS is part of the Adult Protective and Community Services Branch of the Hawai'i Department of Human Services.

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