

DEPARTMENT OF HEALTH

Adoption of Chapter 11-103
Hawaii Administrative Rules

(Date of adoption)

SUMMARY

Chapter 11-103, Hawaii Administrative Rules,
entitled "Licensure and Certification Fees for Health
Care Facilities and Agencies", is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 103

LICENSURE AND CERTIFICATION FEES FOR HEALTH CARE
FACILITIES AND AGENCIES

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§11-103-1 Purpose. The purpose of this chapter is to establish fees for the initial issuance by the department of a license or certificate of approval to a health care facility or health care agency, and the renewal of a health care facility's or health care agency's license or certificate of approval.
[Eff **MAR 17 2018**] (Auth: HRS §§321-9, 321-11, 321-11.5) (Imp: HRS §§321-1.4, 321-11.5)

§11-103-2 Definitions. As used in this chapter: "Adult day care center" or "center" means a licensed facility that meets the requirements of chapter 17-1424.

"Adult residential care home" or "ARCH" means a facility that meets the requirements of section 321-15.6, HRS.

"Applicant" means a person or group of persons, firm, corporation, institution, association, organization or other entity that applies to the department for licensure or certification to operate a health care facility or agency as required by state law.

"Assisted living facility" or "ALF" means a facility that meets the requirements of section 321-15.1, HRS.

"Broad service hospital" or "hospital" means a hospital that is staffed and equipped to provide inpatient medical or surgical care, or both, for acute and chronic illness, injury or obstetrics.

"Certificate of approval" or "certificate" means the certificate issued by the department or its designee that authorizes a person, agency, or organization to operate a health care facility or agency.

"Certification" means the issuance by the department or its authorized agents of a certificate of approval to a health care facility or agency including "initial certificate", "certificate renewal", and "amended certificate".

"Clinical laboratory" means a facility that meets the requirements of section 11-110.1.

"Community care foster family home" means a facility that meets the requirements of chapter 17-1454.

"Day" means a calendar day, unless otherwise indicated.

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

"Developmental disability domiciliary home" means a residence that meets the requirements of section 321-15.9, HRS.

"Director" means the director of health, State of Hawaii, or the director's designee.

"Expanded ARCH" means a facility that meets the requirements of section 321-15.62, HRS.

"Freestanding adult day health center" or "ADHC" means a facility that meets the requirements of chapter 11-96.

"Freestanding birthing center" means a facility that meets the requirements of chapter 11-93.2.

"Freestanding outpatient surgical facility" means a facility that meets the requirements of chapter 11-95.

"Health care agency" means a home and community-based case management agency, home care agency, home health agency, and any other entity required by law to be licensed or certified by the department.

"Health care facility" means a hospital, nursing home, intermediate care facility for individuals with intellectual disabilities, freestanding outpatient surgical facility, freestanding adult day health center, freestanding birthing center, adult day care center, laboratory, adult residential care home, expanded adult residential care home, community care foster family home, developmental disability domiciliary home, assisted living facility, therapeutic living program, special treatment facility, and any other entity required by law to be licensed or certified by the department.

"Home and community-based case management agency" means any person, agency, or organization that meets the requirements of chapter 17-1454.

"Home care agency" means an agency or organization that meets the requirements of section 321-14.8, HRS.

"Home care services" includes but is 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.

"Home health agency" means an agency or organization that meets the requirements of chapter 11-97.

"Intermediate care facility for individuals with intellectual disabilities" or "ICF/ID" means a facility that meets the requirements of chapter 11-99.

"License" means an approval issued by the department or its designee for a person, agency, or organization to operate a health care facility or agency.

"Licensee" means the person, or group of persons, firm, corporation, institution, association, organization, or other entity that holds a license or certificate of approval to operate a health care facility or agency as required by state law.

"Licensure" means the issuance by the department or its authorized agents of a license to a health care facility or agency including "initial license", "license renewal", and "amended license".

"Nursing facility" or "nursing home" means a skilled nursing facility or "SNF", intermediate care facility or "ICF", or a skilled nursing and intermediate care facility or "SNF/ICF", that meets the requirements of chapter 11-94.1.

"Office of health care assurance special fund" or "OHCA special fund" means the special fund established by section 321-1.4, HRS.

"Special treatment facility" means a facility that meets the requirements of section 321-16.5, HRS.

"Therapeutic living program" means a program that meets the requirements of section 321-16.6, HRS.

[Eff **MAR 17 2018**] (Auth: HRS §§321-9, 321-11, 321-11.5) (Imp: HRS §§321-11.5, 321-14.5, 321-15.1, 321-15.6, 321-15.62, 321-15.9, 321-16.5, 321-16.6)

§11-103-3 Method and manner of payment. (a) An applicant for a license or certificate, or a license or certificate renewal, shall pay to the department applicable fees in U.S. dollars as set forth in sections 11-103-4, 11-103-5, 11-103-6, and 11-103-7. The department shall issue no license or certificate

to an applicant unless all applicable fees required by this chapter have been paid in full.

(b) All license fees collected pursuant to this chapter shall be paid by corporate check, bank or other financial institution check, or money order made payable to the order of "State of Hawaii Office of Health Care Assurance Special Fund", or electronically, if the method is available, and are non-refundable. No applicant or licensee shall pay fees by personal check or cash and neither personal checks nor cash shall be accepted by the department.

(c) Each dishonored check or insufficient funds shall be considered a failure to pay and shall constitute an incomplete application for initial licensure or licensure renewal, or initial certification or certificate renewal. [Eff]
(Auth: HRS §§321-1.4, 321-9, 321-11, 321-11.5) (Imp: HRS §§321-1.4, 321-11.5)

§11-103-4 Initial licensure and licensure renewal fees and initial certification and certificate renewal fees. (a) All fees adopted in this chapter shall be effective thirty days after the effective date of this chapter. All fees adopted by an amendment to this chapter shall be effective thirty days after the effective date of the amendment to this chapter.

(b) The department adopts the fees set forth in the following fee schedules:

- (1) Exhibit A entitled, "Initial Licensure and Certification Fee Schedule", dated 8/1/16, located at the end of this chapter, which is made a part of this section; and
- (2) Exhibit B entitled, "Licensure and Certification Renewal Fee Schedule", dated 8/1/16, located at the end of this chapter, is made a part of this section.
[Eff **MAR 17 2018**] (Auth: HRS §§321-1.4, 321-9, 321-11, 321-11.5) (Imp: HRS §§321-1.4, 321-11.5)

§11-103-5 Initial licensure and certification fee requirements. (a) The department shall conduct a survey prior to the issuance of each initial license and certificate. Following the licensure or certification survey, the department shall notify the prospective licensee in writing either that the prospective licensee is in full compliance with initial licensure or certification requirements, or that the prospective licensee is required to address certain deficiencies in a written plan of correction.

(b) The prospective licensee in full compliance shall deliver, or if available, electronically submit to the department within ten days of its receipt of the department's notice, its payment of the initial licensure or certification fee required by this chapter. [Eff **MAR 17 2018**] (Auth: HRS §§321-9, 321-11, 321-11.5) (Imp: HRS §§321-1.4, 321-11.5)

§11-103-6 Licensure renewal and certification renewal fee requirements. (a) A licensee shall pay the license or certificate renewal fee at least thirty days before the license or certificate renewal date.

(b) The department may extend the term of a license or certificate that is due to renew prior to the license or certificate renewal date to complete the administrative processing of the license or certificate renewal application form provided the licensee has paid the applicable fee.

(c) Failure, neglect, or refusal of any licensee to pay the licensure or certification renewal fee as directed by the department shall constitute a forfeiture of the license or certificate effective on the licensure or certificate renewal date.

[Eff **MAR 17 2018**] (Auth: HRS §§321-9, 321-11, 321-11.5) (Imp: HRS §§321-1.4, 321-11.5)

§11-103-7 Reduced licensure or certification renewal fee. The department shall reduce the licensure or certification renewal fee required by

this chapter when the department accepts a national accreditation of a health care facility or health care agency in lieu of a licensure or certification renewal survey in accordance with state law by fifty per cent and rounded to the nearest dollar.

[Eff **MAR 17 2018**] (Auth: HRS §§321-9, 321-11, 321-11.5) (Imp: HRS §§321-1.4, 321-11.5)

§11-103-8 Deposit of fees. The department shall deposit all fees paid to the department pursuant to this chapter into the office of health care assurance special fund. [Eff **MAR 17 2018**] (Auth: HRS §§321-1.4, 321-9, 321-11, 321-11.5) (Imp: HRS §§321-1.4, 321-11.5)

DEPARTMENT OF HEALTH

Chapter 11-103, Hawaii Administrative Rules, on the Summary Page dated _____, was adopted on _____, following a public hearing held on _____, after public notice was given in the Honolulu Star Advertiser on _____.

The adoption of chapter 11-103 shall take effect ten days after filing with the Office of the Lieutenant Governor.

Virginia Pressler

VIRGINIA PRESSLER, M.D.
Director
Department of Health

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STATE OF HAWAII

APPROVED AS TO FORM:

[Signature]

Deputy Attorney General

David Y. Ige

DAVID Y. IGE
Governor
State of Hawaii

Date: 03-07-2018

Filed

Exhibit A

HAR CHAPTER 11-103

Initial Licensure and Certification Fee Schedule
8/1/16

Facility or Service	Initial Licensure and Certification Fee (in \$)
Adult Day Care Center	950
Adult Residential Care Home Type I	300
Adult Residential Care Home Type II	300
Assisted Living Facility	600
Broad Service Hospital or Hospital	1,247 plus 12 per bed
Clinical Laboratory	100
Community Care Foster Family Home	150
Developmental Disability Domiciliary Home	300
Expanded Adult Residential Care Home Type I	300
Expanded Adult Residential Care Home Type II	300
Freestanding Adult Day Health Center	1,200
Freestanding Birthing Center	1,200
Freestanding Outpatient Surgical Facility	2,700
Home and Community Based Case Management Agency	150

Home Care Agency	1,200
Home Health Agency	2,500
Intermediate Care Facility for Individuals with Intellectual Disabilities	1,027 plus 12 per bed
Intermediate Care Facility (ICF), Skilled Nursing Facility (SNF), or ICF/SNF	1,027 plus 12 per bed
Special Treatment Facility	300
Therapeutic Living Program	300

Exhibit B

HAR CHAPTER 11-103

Licensure and Certification Renewal Fee Schedule

8/1/16

Facility or Service	Licensure and Certification Renewal Fee (in \$)
Adult Day Care Center	600
Adult Residential Care Home Type I	200
Adult Residential Care Home Type II	200
Assisted Living Facility	400
Broad Service Hospital or Hospital	831 plus 9 per bed
Clinical Laboratory	75
Community Care Foster Family Home	100
Developmental Disability Domiciliary Home	200
Expanded Adult Residential Care Home Type I	200
Expanded Adult Residential Care Home Type II	200
Freestanding Adult Day Health Center	900
Freestanding Birthing Center	900
Freestanding Outpatient Surgical Facility	1,862
Home and Community Based Case Management Agency	100

Home Care Agency	900
Home Health Agency	1,800
Intermediate Care Facility for Individuals with Intellectual Disabilities	685 plus 9 per bed
Intermediate Care Facility (ICF), Skilled Nursing Facility (SNF), ICF/SNF, or Nursing Facility (NF)	685 plus 9 per bed
Special Treatment Facility	200
Therapeutic Living Program	200