

DEPARTMENT OF HEALTH

Repeal of Chapter 11-103, "Licensure and Certification
Fees for Health Care Facilities and Agencies"
and the
Adoption of Chapter 11-103.1, "Licensure and
Certification Fees for Health Care Facilities and
Agencies,"

September 16, 2022

SUMMARY

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Hawaii Administrative Rules, entitled "Licensure and Certification Fees for Health Care Facilities and Agencies", is repealed.

2. Chapter 11-103.1, Hawaii Administrative Rules, entitled "Licensure and Certification Fees for Health Care Facilities and Agencies," is adopted:

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 103

LICENSURE AND CERTIFICATION FEES FOR
HEALTH CARE FACILITIES AND AGENCIES

Repealed

§§11-103-1 to 103-7 Repealed. [SEP 16 2022]

§11-103.1-1

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 103.1

LICENSURE AND CERTIFICATION FEES FOR
HEALTH CARE FACILITIES AND AGENCIES

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§11-103.1-1 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 **SEP 16 2022**] (Auth: HRS §§321-9, 321-11, 321-11.5) (Imp: HRS §§321-1.4, 321-11.5)

§11-103.1-2 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.

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"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 SF" 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.

"Value added electronic services" means services defined in section 27G-1, HRS. [Eff **SEP 16 2022**]
(Auth: HRS §§27G-1, 321-9, 321-11, 321-11.5) (Imp: HRS §§27G-1, 321-11.5, 321-14.5, 321-15.1, 321-15.6, 321-15.62, 321-15.9, 321-16.5, 321-16.6)

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§11-103.1-3 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 11-103.1-4, 11-103.1-5, and 11-103.1-6. 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 OHCA SF", 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) Payment using value added electronic services provided through an electronic portal manager may incur a separate fee.

(d) 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 SEP 16 2022 (Auth: HRS §§27G-1, 321-1.4, 321-9, 321-11, 321-11.5) (Imp: HRS §§27G-1, 321-1.4, 321-11.5)]

§11-103.1-4 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 8/1/21, 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 8/1/21, located at the end of this chapter, is made a part of this section. [Eff **SEP 16 2022**] (Auth: HRS §§321-1.4, 321-9, 321-11, 321-11.5) (Imp: HRS §§321-1.4, 321-11.5)

§11-103.1-5 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 **SEP 16 2022**] (Auth: HRS §§321-9, 321-11, 321-11.5) (Imp: HRS §§321-1.4, 321-11.5)

§11-103.1-6 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

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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 **SEP 16 2022**] (Auth: HRS §§321-9, 321-11, 321-11.5) (Imp: HRS §§321-1.4, 321-11.5)

§11-103.1-7 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 **SEP 16 2022**] (Auth: HRS §§321-1.4, 321-9, 321-11, 321-11.5) (Imp: HRS §§321-1.4, 321-11.5)

Exhibit A

HAR CHAPTER 11-103.1

Initial Licensure and Certification Fee Schedule
5/1/22

Facility or Service	Initial Licensure and Certification Fee (in \$USD)
Adult Day Care Center	1,000
Adult Residential Care Home Type I	350
Adult Residential Care Home Type II	350
Assisted Living Facility	1,000
Broad Service Hospital or Hospital	1,500 plus 15 per bed
Clinical Laboratory	150
Community Care Foster Family Home	200
Developmental Disability Domiciliary Home	325
Expanded Adult Residential Care Home Type I	350
Expanded Adult Residential Care Home Type II	350
Freestanding Adult Day Health Center	1,400
Freestanding Birthing Center	2,000
Freestanding Outpatient Surgical Facility	3,500

Home and Community Based Case Management Agency	175
Home Care Agency	1,500
Home Health Agency	2,750
Intermediate Care Facility for Individuals with Intellectual Disabilities	1,100 plus 12 per bed
Intermediate Care Facility (ICF), Skilled Nursing Facility (SNF), ICF/SNF, or Nursing Facility (NF)	1,300 plus 12 per bed
Special Treatment Facility	400
Therapeutic Living Program	400

Exhibit B

HAR CHAPTER 11-103.1

Licensure and Certification Renewal Fee Schedule
5/1/22

Facility or Service	Licensure and Certification Renewal Fee (in \$USD)
Adult Day Care Center	700
Adult Residential Care Home Type I	225
Adult Residential Care Home Type II	225
Assisted Living Facility	500
Broad Service Hospital or Hospital	1,000 plus 10 per bed
Clinical Laboratory	100
Community Care Foster Family Home	125
Developmental Disability Domiciliary Home	225
Expanded Adult Residential Care Home Type I	225
Expanded Adult Residential Care Home Type II	225
Freestanding Adult Day Health Center	1,000
Freestanding Birthing Center	1,000
Freestanding Outpatient Surgical Facility	2,500

Home and Community Based Case Management Agency	125
Home Care Agency	1,000
Home Health Agency	2,000
Intermediate Care Facility for Individuals with Intellectual Disabilities	700 plus 10 per bed
Intermediate Care Facility (ICF), Skilled Nursing Facility (SNF), ICF/SNF, or Nursing Facility (NF)	700 plus 10 per bed
Special Treatment Facility	250
Therapeutic Living Program	250

DEPARTMENT OF HEALTH

The repeal of chapter 11-103 and the adoption of chapter 11-103.1, Hawaii Administrative Rules, on the Summary Page dated _____, were adopted on _____, following public hearings held on _____ at _____, after a public notice was published on _____ in the _____.

The repeal of chapter 11-103, Hawaii Administrative Rules and the adoption of chapter 11-103.1, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

Ethel

ELIZABETH A. CHAR, M.D.
Director
Department of Health

LIEUTENANT GOVERNOR'S
OFFICE

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APPROVED:

David Y. Ige

DAVID Y. IGE
Governor
State of Hawaii

Date: SEP 06 2022

APPROVED AS TO FORM:

[Signature]

Deputy Attorney General

JUL 29 2022

Filed