



**GOV. MSG. NO. 871**

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

May 31, 2007

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 31, 2007, the following bill was signed into law:

HB843 HD2 SD2 CD1

A BILL FOR AN ACT RELATING TO KAHUKU  
HOSPITAL.  
(ACT 113)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

Approved by the Governor

on MAY 31 2007

HOUSE OF REPRESENTATIVES  
TWENTY-FOURTH LEGISLATURE, 2007  
STATE OF HAWAII

**ACT 113**

**H.B. NO.** 843  
H.D. 2  
S.D. 2  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO KAHUKU HOSPITAL.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that Kahuku hospital has  
2    been serving the residents of the north shore of Oahu from  
3    Kualoa to Waimea Bay, with a population of about twenty-seven  
4    thousand, since 1929. Kahuku hospital is a twenty-five-bed  
5    facility that has provided an array of health care services,  
6    including emergency care, general acute care, surgery, skilled  
7    nursing, ancillary care, and health education. It is one of  
8    nine hospitals in Hawaii with a federal medicare designation as  
9    a critical access hospital, which allows it to annually receive  
10   higher reimbursements amounting to about \$1,000,000 in  
11   additional revenue.

12           On November 6, 2006, the board of directors of Kahuku  
13   hospital voted to file for chapter 7 bankruptcy and close down  
14   the hospital on December 31, 2006, because of continuing  
15   operating losses of about \$1,500,000 a year, a sum that has now  
16   reached \$3,500,000. If such a closure was to occur, the  
17   hospital would lose its hospital license, its certificate of  
18   need, and its critical access hospital designation, all of which

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1 would require time and expense for another hospital to obtain,  
2 effectively shutting down hospital-based health care services in  
3 the area for an indefinite period. Closing down Kahuku hospital  
4 would pose a grave threat to the health and safety of all  
5 residents on the north shore and windward areas of Oahu, who  
6 would have to drive either twenty-two miles to Wahiawa general  
7 hospital or thirty-two miles to Castle Medical Center in Kailua  
8 for hospital-based care, with both trips requiring driving over  
9 an hour along a single-access road that is periodically closed  
10 by inclement weather or traffic mishaps.

11 Accordingly, the legislature finds that it is in the public  
12 interest to keep Kahuku hospital operating to serve the  
13 residents of the north shore of Oahu by enabling it to file for  
14 chapter 11 rather than chapter 7 bankruptcy, which would allow  
15 the hospital to:

- 16 (1) Continue operations;
- 17 (2) Preserve its hospital license;
- 18 (3) Retain its certificate of need and critical access  
19 hospital designation;
- 20 (4) Reorganize; and
- 21 (5) Settle its debts.



1           The purpose of this Act is to authorize the Hawaii health  
2 systems corporation to bring Kahuku hospital under its  
3 governance through formal affiliation with the corporation and  
4 to provide for transitional facilitation by the director of  
5 health.

6           SECTION 2. Chapter 323F, Hawaii Revised Statutes, is  
7 amended by adding a new section to be appropriately designated  
8 and to read as follows:

9           "§323F- Acquisition of Kahuku hospital. (a) Kahuku  
10 hospital on Oahu may be assimilated into the Hawaii health  
11 systems corporation in a manner and to an extent that may be  
12 negotiated between the corporation and Kahuku hospital. After  
13 assimilation, the physical assets and the ground lease of Kahuku  
14 hospital shall become the property of the corporation, and  
15 Kahuku hospital shall be operated by the corporation.

16           (b) None of the liabilities of Kahuku hospital shall  
17 become liabilities of the corporation.

18           (c) The corporation, at its discretion, may retain any or  
19 all medical and nonmedical employees of Kahuku hospital.

20           (d) The corporation, without regard to section 323F-31,  
21 may adjust the levels of services provided by Kahuku hospital.



1       (e) Kahuku hospital shall be exempt from chapter 102 and  
2 section 103-53, and its board of directors, if any, shall be  
3 exempt from part I of chapter 92.

4       (f) The purchase of goods and services by or on behalf of  
5 Kahuku hospital shall be exempt from chapters 103D and 103F.

6       (g) Employees of Kahuku hospital shall be exempt from  
7 chapters 76, 87A, 88, and 89, and shall not be considered as  
8 employees of the State."

9       SECTION 3. **Kahuku hospital; acquisition by Hawaii health**  
10 **systems corporation; transitional facilitation by the director**  
11 **of health.** The director of health, as an interested third  
12 party, shall act in the role of honest broker to help facilitate  
13 the successful acquisition of Kahuku hospital by the Hawaii  
14 health systems corporation during the transition period. To  
15 that end, the acquisition shall be exempt from part VII of  
16 chapter 323D, Hawaii Revised Statutes, relating to hospital  
17 acquisition.

18       SECTION 4. There is appropriated out of the general  
19 revenues of the State of Hawaii the sum of \$3,900,000 or so much  
20 thereof as may be necessary for fiscal year 2007-2008 to carry  
21 out the purposes of this Act, including the hiring of necessary  
22 staff.



1           The sum appropriated shall be expended by the department of  
2 health for the purposes of this Act.

3           SECTION 5. New statutory material is underscored.

4           SECTION 6. This Act shall take effect upon its approval;  
5 provided that section 4 shall take effect on July 1, 2007, and  
6 section 3 shall be repealed upon:

- 7           (1) The receipt of a letter by the director of health from  
8           the board of directors of the Hawaii health systems  
9           corporation officially notifying the director of  
10          health that the acquisition of Kahuku hospital by the  
11          corporation has been successfully completed; and  
12          (2) The issuance of a proclamation by the governor that  
13          the events in paragraph (1) have occurred.

APPROVED this 31 day of           MAY           , 2007



GOVERNOR OF THE STATE OF HAWAII

