

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 9 ADULT PROTECTIVE AND COMMUNITY SERVICES BRANCH

CHAPTER 1403

AVAILABILITY AND COST OF ADMINISTRATIVE RULES

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§17-1403-1 Purpose. The purpose of this chapter is to define the conditions under which the department shall make its administrative rules available to the public and to establish the cost of copies. [Eff 12/5/97; comp 7/9/01; am and comp **NOV 23 2020**] (Auth: HRS §§91-2, 346-14) (Imp: HRS §§91-2, 91-2.5, 92-21)

§17-1403-2 Definitions. As used in this chapter:

"Administrative rules" means the department's administrative rules on file with the Lieutenant Governor's office.

"Custodian" means any organization or individual, not a public agency or officer, responsible for centrally locating the administrative rules and making

the rules publicly accessible to a substantial number of the population served. The agencies and organizations shall accept responsibility for filing all amendments and changes forwarded by the department.

"Program development office" means the state office that administers the adult protective and community services programs. [Eff 12/5/97; am and comp 7/9/01; am and comp **NOV 23 2020**]
(Auth: HRS §346-14) (Imp: HRS §346-14)

§17-1403-3 Availability of administrative rules.

(a) The administrative rules shall be made available to individuals and organizations for review, study, or reproduction on regular workdays during regular office hours.

(b) Custodians shall make the administrative rules available for public review.

(c) The administrative rules shall be available upon request through the following offices:

- (1) Program development office on Oahu; and
- (2) Adult protective and community services offices on each island.

(d) Upon request, the administrative rules may be made available electronically.

(e) When copies of the administrative rules are available electronically on the department's website, the requester shall be informed of the electronic availability and location of the administrative rules on the website. [Eff 12/5/97; am and comp 7/9/01; am and comp **NOV 23 2020**] (Auth: HRS §§91-2, 346-14) (Imp: HRS §§91-2, 91-5)

§17-1403-4 Cost of administrative rules. (a)

The department shall deposit, without charge, seven copies of the administrative rules of the department with the state publications distribution center and one copy with the University of Hawaii.

(b) Upon request, copies of specific sections of the administrative rules shall be provided without

charge to a claimant, as defined in chapter 17-1402, or the claimant's legal representative who requires specific sections of the administrative rules to determine whether an administrative hearing should be requested or to prepare for a hearing.

(c) Upon request, copies of the administrative rules shall be provided without charge to state or county agencies and officers, and public agencies and officers outside the State.

(1) State or county agencies or officers, and public agencies and officers outside the State entitled to a free copy of the department's administrative rules shall be placed on the mailing list of the program development office.

(2) State or county agencies or officers, and public agencies and officers outside the State placed on the mailing list shall be responsible to notify the program development office when the issuances are no longer needed.

(d) Custodians, individuals, or organizations not entitled to receive free copies of the administrative rules and who choose not to access the administrative rules through electronic files shall be assessed a fee related to the cost of reproduction and applicable postal rates.

(e) The fee for reproduction shall be ten cents per one-sided copy and twenty cents per two-sided copy, and shall be paid in advance to the department by cash, money order, or certified check.

(f) Copies shall be provided within ten working days from the date of the request by the program development office or the adult protective and community services office in the geographic area where the copies are being requested. The ten-day period may be extended for an additional twenty working days if the department provides to the requesting individual, within the initial ten working days, a written explanation of unusual circumstances causing the delay. [Eff 12/5/97; am and comp 7/9/01;

NOV 23 2020

am and comp] (Auth: HRS §§91-2, 346-
14) (Imp: HRS §§91-2.5, 91-5, 92-21, 93-2, 93-3)