A BILL FOR AN ACT

RELATING TO DEVELOPMENTAL DISABILITIES ADULT FOSTER HOMES.

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

SECTION 1. Section 321-11.2, Hawaii Revised Statutes, is amended to read as follows:

§321-11.2 Adult foster homes. (a) The department of health is authorized to certify adult foster homes for individuals with developmental or intellectual disabilities requiring care beyond the individual's eighteenth birthday. "Adult foster home" means a private family home providing care on a twenty-four hour basis to adults with developmental or intellectual disabilities. To be certified, an adult foster home shall house not more than two adults with developmental or intellectual disabilities who are unrelated to the certified caregiver at the same time. The director of health may waive the two-adult limit for certification of that home as an adult foster home; provided that the total number of adults with developmental or intellectual disabilities in the certified home shall not exceed three adults with developmental or
intellectual disabilities[,] who are related or unrelated to the 
certified caregiver.

For the purposes of this subsection:

"Certified caregiver" means an individual who is twenty-one 
years of age or older, resides in an adult foster home, and has 
been issued by the department a valid certificate of approval to 
provide care, training, and supervision on a twenty-four hour 
basis to adults with developmental or intellectual disabilities.

"Related" means connected by legal guardianship, 
trusteeship, blood, marriage, or a legal relationship between 
the certified caregiver and the adult with developmental or 
intellectual disabilities.

(b) To accommodate residents of a foster boarding home for 
children with developmental or intellectual disabilities who 
reach the age of eighteen years, where the home is certified as 
a foster boarding home for children under section 346-17, the 
director of health may waive the two-adult limit for 
certification of that home as an adult foster home[,] provided 
that:

(1) [the] The total number of foster children with 
developmental or intellectual disabilities and adults 
with developmental or intellectual disabilities in
such a dually certified home shall not exceed [five,] three; and

(2) No new adults may be admitted into the home while there are any foster children residing in the home.

This subsection shall not affect the validity of the certification of any adult foster home that is certified as a foster boarding home under section 346-17 and in existence as of the effective date of Act , Session Laws of Hawaii 2014.

(c) An existing adult foster home shall not be given dual certification if the certification as an adult foster home precedes dual certification, unless the certification as a foster boarding home under section 346-17 is for a specific child, as provided in the department of human services' administrative rules.

[4-4-1] (d) The rules of the department of human services adopted under authority of section 346-17, which prescribe the standards of conditions and competence of operation of child foster boarding homes shall apply to adult foster homes.

Notwithstanding chapter 91, to the contrary, the rules shall be considered adopted by the department of health on July 1, 1986, for the purpose of regulating adult foster care homes and shall be valid until the department of health adopts rules pursuant to
chapter 91. The department of health shall adopt rules pursuant
to chapter 91 necessary for the purposes of this section.

(e) Rate of payment for adult foster homes is to be
determined on the same basis as domiciliary care homes as
provided under section 346-53."

SECTION 2. Upon this Act's approval, the revisor of
statutes shall insert the number of this Act in section 321-
11.2(b), Hawaii Revised Statutes, as amended by section 1.

SECTION 3. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.
Report Title:
Developmental Disabilities Foster Homes

Description:
Permits exemptions from two-resident limit for certified adult foster homes for adults with developmental or intellectual disabilities by waiver and for foster children who turn 18. Permits dual certification as child and adult foster home to accommodate children who turn 18 or specific children. (SB2853 HD2)

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