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# A BILL FOR AN ACT

RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES.

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

1           SECTION 1. The legislature finds that there is an ever-  
2 increasing need for community care foster family homes to  
3 support the health and long-term care needs of an aging  
4 population and families. Community care foster family homes  
5 provide an essential function in the State by providing twenty-  
6 four-hour living accommodations, which include housing,  
7 supervision, personal care, and assistance with daily living  
8 activities for their residents. These homes provide individuals  
9 who are at a nursing facility level of care with living  
10 accommodations in a family-like setting, an alternative to  
11 living in an institutional setting.

12           Community care foster family homes are licensed to provide  
13 accommodations and services to not more than two adults at any  
14 one time, at least one of whom shall be a medicaid recipient,  
15 and who are at the nursing facility level of care. The  
16 department of health may certify a community care foster family  
17 home for a third adult who is at the nursing level of care and a  
18 medicaid recipient, provided certain requirements are met.



1           The legislature further finds that not only do medicaid  
2 clients have limited options for long-term care, but so do  
3 individuals who do not rely on medicaid for long-term care.  
4 Besides providing accommodations to medicaid recipients,  
5 community care foster family homes also provide accommodations  
6 to private-pay individuals. There is also a recognized need to  
7 accommodate private-pay individuals who share a long-term  
8 relationship. As the cost of medical care continues to rise, it  
9 is becoming apparent that even those who do not rely on medicaid  
10 for their long-term care cannot afford the cost of private care,  
11 leaving this population, also, with limited options.

12           The purpose of this Act is to recognize the varied needs of  
13 the State's aging population by allowing the department of  
14 health flexibility to permit two private-pay individuals to be  
15 cared for in the same community care foster family home,  
16 provided they meet certain qualifying conditions.

17           SECTION 2. Section 321-481, Hawaii Revised Statutes, is  
18 amended by amending the definition of "community care foster  
19 family home" or "home" to read as follows:

20           "Community care foster family home" or "home" means a home  
21 that:



1 (1) Is regulated by the department in accordance with  
 2 rules that are equitable in relation to rules that  
 3 govern expanded adult residential care homes;  
 4 (2) Is issued a certificate of approval by the department  
 5 or its designee to provide, for a fee, twenty-four-  
 6 hour living accommodations, including personal care  
 7 and homemaker services, for not more than two adults  
 8 at any one time, at least one of whom shall be a  
 9 medicaid recipient, who are at the nursing facility  
 10 level of care, who are unrelated to the foster family,  
 11 and who are receiving the services of a licensed home  
 12 and community-based case management agency; provided  
 13 that [~~the~~]:

14 (A) The department, in its discretion, may allow two  
 15 private-pay individuals to be cared for in the  
 16 same community care foster family home if all of  
 17 the following criteria are met:

- 18 (i) The community care foster family home is  
 19 certified for three beds;
- 20 (ii) Operators of three-bed community care foster  
 21 family homes immediately notify the



1 department or its designee of any vacancy in  
2 writing; and

3 (iii) Two of the three nursing level clients are  
4 in a relationship with each other as a  
5 married or civil union couple; provided  
6 further that the department, in its  
7 discretion, may disregard the payor status  
8 of the clients in a married or civil union  
9 relationship and may redesignate at least  
10 one of the two private-pay beds to a  
11 Medicaid bed when the couple's relationship  
12 ceases to exist in the home; and

13 (B) The department, in its discretion, may certify a  
14 home for a third adult who is at the nursing  
15 facility level of care and a medicaid recipient;  
16 provided further that the:

17 ~~[-A-]~~ (i) Home has been certified and in operation for  
18 not less than one year;

19 ~~[-B-]~~ (ii) Primary caregiver is a certified nurse aide,  
20 as defined in section 457A-1.5, who has  
21 completed a state-approved training program



1                   and other training as required by the  
 2                   department; and  
 3           ~~[(C)]~~ (iii) Substitute caregiver is a nurse aide, as  
 4                   defined in section 457A-1.5, who has  
 5                   completed a state-approved training program  
 6                   and other training as required by the  
 7                   department; and

8           (3) Does not include expanded adult residential care homes  
 9                   or assisted living facilities."

10           SECTION 3. The department of health shall submit a report  
 11 of its findings and recommendations to the legislature no later  
 12 than twenty days prior to the convening of the regular session  
 13 of 2016 on the authorization to allow two private-pay  
 14 individuals to be cared for in the same community care foster  
 15 family home as provided under this Act, including its impact on  
 16 the availability of space for medicaid clients.

17           SECTION 4. It is the intent of this Act not to jeopardize  
 18 the receipt of any federal aid. If this Act is found to be in  
 19 conflict with federal requirements that are a prescribed  
 20 condition for the allocation of federal funds to the State, this  
 21 Act shall be deemed void.



1 SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.

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**Report Title:**

Community Care Foster Family Homes; Private-Pay Clients;  
Medicaid Clients

**Description:**

Authorizes the Department of Health to allow two individuals in a relationship with each other as a married or civil union couple to be cared for in the same community care foster family home if certain requirements are met. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

