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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 as follows:

19           1. By adding two new definitions to be appropriately  
20 inserted and to read:



1            "Medicaid bed" means any bed designated for a medicaid  
2 recipient.

3            "Private-pay bed" means any bed designated for a person who  
4 is not a medicaid recipient."

5            2. By amending the definition of "community care foster  
6 family home" or "home" to read:

7            "Community care foster family home" or "home" means a home  
8 that:

9            (1) Is regulated by the department in accordance with  
10 rules that are equitable in relation to rules that  
11 govern expanded adult residential care homes;

12           (2) Is issued a certificate of approval by the department  
13 or its designee to provide, for a fee, twenty-four-  
14 hour living accommodations, including personal care  
15 and homemaker services, for not more than two adults  
16 at any one time, at least one of whom shall be a  
17 medicaid recipient, who are at the nursing facility  
18 level of care, who are unrelated to the foster family,  
19 and who are receiving the services of a licensed home  
20 and community-based case management agency; provided  
21 that ~~the~~   :



- 1           (A) The department, in its discretion, may allow two  
2           persons who are not medicaid recipients to be  
3           cared for in the same community care foster  
4           family home if:
- 5           (i) The community care foster family home is  
6           certified for three beds pursuant to  
7           paragraph (2) (B);
- 8           (ii) Operators of the community care foster  
9           family homes certified for three beds  
10           pursuant to paragraph (2) (B) immediately  
11           notify the department or its designee of any  
12           vacancy in writing; and
- 13           (iii) Two of the three nursing facility level  
14           clients are in a relationship with each  
15           other as a married or civil union couple;  
16           provided further that the department, in its  
17           discretion, may disregard the payor status  
18           of the clients in a married or civil union  
19           relationship and may redesignate at least  
20           one of the two private-pay beds to a



1                    medicaid bed when the couple's relationship  
2                    ceases to exist in the home; and

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

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

9            [~~(B)~~]   (ii)   Primary caregiver is a certified nurse aide,  
10            as defined in section 457A-1.5, who has  
11            completed a state-approved training program  
12            and other training as required by the  
13            department; and

14            [~~(C)~~]   (iii)   Substitute caregiver is a nurse aide, as  
15            defined in section 457A-1.5, who has  
16            completed a state-approved training program  
17            and other training as required by the  
18            department; and

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



1 SECTION 3. The department of health shall submit a report  
2 of its findings and recommendations to the legislature, no later  
3 than twenty days prior to the convening of the regular session  
4 of 2016, on the authorization to allow two persons who are not  
5 medicaid recipients to be cared for in the same community care  
6 foster family home pursuant to this Act, including its impact on  
7 the availability of space for medicaid recipients.

8 SECTION 4. It is the intent of this Act not to jeopardize  
9 the receipt of any federal aid. If this Act is found to be in  
10 conflict with federal requirements that are a prescribed  
11 condition for the allocation of federal funds to the State, this  
12 Act shall be deemed void.

13 SECTION 5. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on July 1, 2060.



**Report Title:**

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

**Description:**

Authorizes the DOH 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. Effective 7/1/2060. (SD2)

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

