
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



1 home for a third adult who is at the nursing level of care and a
2 medicaid recipient, provided certain requirements are met.

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

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

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



1 "Community care foster family home" or "home" means a home
2 that:

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

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

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

20 (i) The community care foster family home is
21 certified for three beds;



1 (ii) Operators of three-bed community care foster
2 family homes immediately notify the
3 department or its designee of any vacancy in
4 writing; and

5 (iii) The two private-pay clients are in a
6 relationship with each other as a married
7 couple; and

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

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

14 [~~(B)~~] (ii) Primary caregiver is a certified nurse aide,
15 as 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 [~~(C)~~] (iii) Substitute caregiver is a nurse aide, as
20 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 (3) Does not include expanded adult residential care homes
4 or assisted living facilities."

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

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

17 SECTION 5. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

1 SECTION 6. This Act shall take effect on July 1, 2050.



Report Title:

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

Description:

Authorizes the Department of Health to allow two private-pay individuals to be cared for in the same community care foster family home if certain requirements are met. (HB600 HD1)

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