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# A BILL FOR AN ACT

RELATING TO KUPUNA CARE.

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

1           SECTION 1. The legislature finds that the State must find  
2 new ways to accommodate a broader range of home- and community-  
3 based long-term care options for Hawaii's rapidly growing  
4 elderly population. According to 2015 population data from the  
5 department of business, economic development, and tourism, there  
6 are 236,914 persons, or 16.5 per cent of the population, 65  
7 years and over in Hawaii. The percentage of this population is  
8 projected to rise to 19.4 per cent by 2020 and 23 per cent by  
9 2030.

10           The legislature further finds that family caregivers play a  
11 major role in the State's health care system by providing long-  
12 term care to the elderly. According to AARP, there are 154,000  
13 unpaid family caregivers in Hawaii, with the average caregiver  
14 being a 62-year-old married woman who cares for an elderly  
15 parent or husband while still working. Caregiving for an  
16 elderly family member takes a toll on caregivers, and care  
17 recipients often worry they will become a burden on family



1 members. Numerous studies show that caregivers report higher  
2 levels of psychological distress, and caring for elderly family  
3 members over extended periods of time without compensation can  
4 lead to chronic stress. In some instances, adult children who  
5 work on the mainland may have to return home to live, and  
6 abandon careers in the process, in order to care for their  
7 parents at home, which is the only alternative to expensive  
8 institutional care. If the children already live in Hawaii,  
9 they often have to quit their jobs to stay home to care for  
10 their aging parents, which may result in financial disaster for  
11 the family and a loss of tax revenue for the State. While  
12 caregivers play a critical role in helping others, it is  
13 imperative that caregivers take care of themselves and have the  
14 necessary support and services to sustain their own health as  
15 well as the health of the family member for which they are  
16 caring.

17 The purpose of this Act is to:

- 18 (1) Direct the executive office on aging to establish the  
19 kupuna caregivers program to assist community members  
20 who are providing care for elders to stay in the  
21 workforce;



1 (2) Clarify the kupuna services and supports provided by  
2 area agencies on aging within the kupuna care program;  
3 and

4 (3) Appropriate funds for the establishment and  
5 implementation of the kupuna caregivers program.

6 SECTION 2. Chapter 349, Hawaii Revised Statutes, is  
7 amended by adding a new section to be appropriately designated  
8 and to read as follows:

9 "§349- Kupuna caregivers program. (a) The executive  
10 office on aging shall establish the kupuna caregivers program.  
11 The program shall provide additional assistance to a qualified  
12 caregiver who meets the requirements of this section.

13 (b) The program shall be coordinated and administered by  
14 the executive office on aging and implemented through the area  
15 agency on aging.

16 (c) The kupuna caregivers program shall award a voucher of  
17 a maximum of \$70 per day to cover costs for the following  
18 services that would otherwise be performed by the qualified  
19 caregiver for the care recipient:

20 (1) Transportation;

21 (2) Personal care;



- 1        (3) Respite care;
- 2        (4) Adult day care; or
- 3        (5) Chore and homemaker services,
- 4 provided that the voucher shall be issued directly to the
- 5 service provider.
- 6        (d) The director may adopt rules pursuant to chapter 91
- 7 necessary for the purposes of this section.
- 8        (e) As used in this section, unless the context otherwise
- 9 requires:
- 10        "Activities of daily living" shall be as defined in section
- 11 349-3.1.
- 12        "Adult day care" shall be as defined in section 349-3.1.
- 13        "Area agency on aging" shall be as defined in section 349-
- 14 3.1.
- 15        "Care recipient" means an individual who:
- 16        (1) Is a citizen of the United States or a qualified
- 17        alien; provided that for the purposes of this
- 18        paragraph, "qualified alien" means a lawfully admitted
- 19        permanent resident under the Immigration and
- 20        Nationality Act;
- 21        (2) Is sixty years of age or older;



- 1        (3) Is not covered by any comparable government or private  
2        home-and community-based care services;
- 3        (4) Does not reside in a long-term care facility, such as  
4        an intermediate care facility, assisted living  
5        facility, skilled nursing facility, hospital,  
6        community care foster family home, adult residential  
7        care home, or expanded adult residential care home;  
8        and
- 9        (5) Has impairments of at least:
- 10       (A) Two activities of daily living;
- 11       (B) Two instrumental activities of daily living;
- 12       (C) One activity of daily living and one instrumental  
13       activity of daily living; or
- 14       (D) Substantive cognitive impairment requiring  
15       substantial supervision because the individual  
16       behaves in a manner that poses a serious health  
17       or safety hazard to the individual or another  
18       person.
- 19       "Chore" shall be as defined in section 349-3.1.
- 20       "Homemaker" shall be as defined in section 349-3.1.



1       "Instrumental activities of daily living" shall be as  
2 defined in section 349-3.1.

3       "Personal care" shall be as defined in section 349-3.1.

4       "Qualified caregiver" means an individual who meets the  
5 following requirements:

6       (1) Provides care for a care recipient; and

7       (2) Is employed at least thirty hours per week from one or  
8 more employers.

9       "Respite care" shall be defined pursuant to the Older  
10 Americans Act, as amended, as services that offer temporary,  
11 substitute supports, or living arrangements for care recipients  
12 to provide a brief period of relief or rest for caregivers.

13 "Respite care" includes:

14       (1) In-home respite (personal care, homemaker, and other  
15 in-home respite);

16       (2) Respite provided by attendance of the care recipient  
17 at a senior center or other nonresidential program;

18       (3) Institutional respite provided by placing the care  
19 recipient in an institutional setting such as a  
20 nursing home for a short period of time as a respite



1 service to the caregiver; and (for grandparents caring  
2 for children) summer camps.

3 "Transportation" shall be as defined in section 349-3.1."

4 SECTION 3. Section 349-3.1, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "[~~f~~]§349-3.1[+] **Kupuna care program.** (a) The executive  
7 office on aging [~~may~~] shall establish the kupuna care program.  
8 The program shall provide [~~affordable and quality home and~~  
9 ~~community-based services.~~] long-term services and supports to  
10 address the needs of Hawaii's older adults and their desire to  
11 remain in their own homes and communities as they age.

12 (b) The program [~~may be provided in every county as a~~  
13 ~~function of the aging and disability resource centers.~~] shall be  
14 coordinated and administered by the executive office on aging  
15 and implemented through the area agency on aging.

16 (c) Kupuna care shall be delivered through two distinct  
17 service options: traditional service delivery or participant-  
18 directed services and support. Based on an individual support  
19 plan, each eligible participant may access kupuna care services  
20 and supports through one of two delivery options, traditional



1 service delivery or participant-directed services and support;  
2 provided that:

3       (1) Traditional service delivery shall be provided by a  
4 service provider organization or person who provides  
5 services to clients under a formal contractual  
6 arrangement with the executive office on aging or area  
7 agency on aging who shall deliver to each participant  
8 one or more kupuna care core services to address the  
9 participant's specific needs that have been identified  
10 through the person-centered planning; and

11       (2) Participant-directed services and support shall  
12 address the participant's assessed needs that have  
13 been identified through the person-centered planning  
14 process and documented in the support plan.

15 Participant-directed services and support shall  
16 consist of long-term services and supports that a  
17 participant uses to maintain the participant's  
18 independence in the community, and the participant  
19 determines what mix of services and support works best  
20 for the participant. The participant shall have  
21 decision-making authority over the participant's





1 budgeted dollar amount to purchase and manage the  
2 participant's needed services and supports based on  
3 the participant's person-centered support plan.  
4 Participant-directed services and support shall  
5 provide the participant with a coach to assist the  
6 participant with using the services and support in a  
7 manner that best supports the participant's ability to  
8 maintain independence and enable a quality living  
9 experience in the community.

10 (d) To qualify for the kupuna care program, an individual  
11 shall:

- 12 (1) Be a citizen of the United States or a qualified  
13 alien; provided that for the purposes of this  
14 paragraph, "qualified alien" means a lawfully admitted  
15 permanent resident under the Immigration and  
16 Nationality Act;  
17 (2) Be sixty years of age or older;  
18 (3) Not be covered by any comparable government or private  
19 home-and community-based care services;  
20 (4) Not reside in a long-term care facility, such as an  
21 intermediate care facility, assisted living facility,



1           including all the care programs of assisted living,  
2           skilled nursing facility, hospital, community care  
3           foster family home, adult residential care home, or  
4           expanded adult residential care home; and  
5        (5) Have impairments of at least:  
6           (A) Two activities of daily living;  
7           (B) Two instrumental activities of daily living;  
8           (C) One activity of daily living and one instrumental  
9           activity of daily living; or  
10          (D) Substantive cognitive impairment requiring  
11          substantial supervision because the individual  
12          behaves in a manner that poses a serious health  
13          or safety hazard to the individual or another  
14          person.  
15          (e) The area agency on aging, through the aging and  
16          disability resource center or other entity designated by the  
17          executive office on aging, shall conduct an intake and  
18          assessment of individuals seeking long-term services and  
19          supports to determine eligibility for the program. The intake  
20          and assessment shall include the following:



- 1        (1) A statewide uniform intake developed with and adopted  
2        by the executive office on aging to preliminarily  
3        determine eligibility for public funded services and  
4        supports, including kupuna care services; and
- 5        (2) If warranted, an assessment of the eligible individual  
6        utilizing a statewide uniform comprehensive in-home  
7        assessment. Upon completion of the in-home  
8        assessment, the individual develops a written  
9        individualized person-centered support plan, with  
10       participation from family, friends, and others, if the  
11       individual desires that additional assistance. The  
12       support plan identifies all the services and supports  
13       needed or currently used to meet the individual's  
14       needs, both formal and informal, including those  
15       provided by other programs such as medicaid or private  
16       pay. The plan shall be reviewed with the individual  
17       to confirm that it is the plan the individual desires.
- 18       (f) The AAA shall use the assessment data and individual's  
19       support plan to confirm kupuna care eligibility, then authorize  
20       and coordinate services and supports. The AAA shall directly



1 authorize and allot kupuna care services, and shall not delegate  
2 the service authorization function to its subcontractors.

3 (g) An individual is determined to be ineligible for  
4 kupuna care services when:

5 (1) The individual does not meet the eligibility  
6 requirements specified;

7 (2) The individual need is not substantiated through an  
8 in-home assessment;

9 (3) The individual leaves the State or the individual's  
10 whereabouts are unknown; or

11 (4) The individual refuses services.

12 (h) The AAA shall provide an individual with written  
13 notice of the disposition of the request for kupuna care  
14 services.

15 (i) An individual who has been determined ineligible for  
16 kupuna care services has the opportunity to grieve the  
17 disposition of the service as follows:

18 (1) If an individual is not satisfied with the authorizing  
19 AAA's decision, the person has the right to appeal to  
20 the executive office on aging director within ninety



1           days after the notice date of the AAA's written  
2           decision.

3           (2) The executive office on aging director's decision will  
4           be issued in writing and is final.

5           (j) Prior to termination of kupuna care services, service  
6 providers shall notify the contracting area agency on aging of  
7 the date and reason for termination. Termination of kupuna care  
8 services may occur if the participant:

9           (1) Moves and the provider is unable to locate the  
10           participant;

11           (2) Is transferred to another area agency on aging;

12           (3) Dies;

13           (4) No longer needs kupuna care services and supports;

14           (5) Is uncooperative with the service provider;

15           (6) Is non-compliant with the basic requirements of the  
16           program;

17           (7) Engages in behavior that threatens or demonstrates  
18           violence toward the service provider;

19           (8) Decides the participant no longer needs or wants a  
20           particular service;

21           (9) Uses comparable services from other programs; or



1        (10) Has a communicable disease that threatens the safety  
2                    and welfare of the service provider.

3        (k) All area agencies on aging shall record all consumer  
4 data, assessments, and service delivery within a statewide  
5 consolidated database.

6        [~~e~~] (l) As used in this section, unless the context  
7 otherwise requires:

8        "Activities of daily living" means the following activities  
9 that individuals perform as a part of daily living: eating,  
10 dresssing, bathing, toileting, transferring in and out of a bed  
11 or chair, and walking.

12        "Adult day care" or "adult day health" means personal care  
13 for dependent elders in a supervised, protective, and congregate  
14 setting during some portion of a day. Services offered in  
15 conjunction with adult day care/adult day health typically  
16 include social and recreational activities, training,  
17 counseling, and services such as rehabilitation, medication  
18 assistance, and home health aide services for adult day health.

19        "Aging and disability resource centers" means an entity  
20 established by the State as part of the state system of long-  
21 term care, serving as a highly visible and trusted source where



1 people of all incomes and ages can get information on the full  
2 range of long-term support options, and a single point of entry  
3 for access to public long-term support programs and benefits.

4 "Area agency on aging" means a state agency designated to  
5 develop and administer the area plan for a comprehensive and  
6 coordinated system of aging services.

7 "Assisted transportation" means assistance and  
8 transportation, including escort, to a person who has cognitive  
9 or physical difficulties using regular vehicular transportation.

10 "Attendant care" means stand-by assistance, supervision, or  
11 cues, and may include other activities to help maintain the  
12 independence of an individual at home. Attendant care shall not  
13 include providing hands-on-the-body support, including but not  
14 limited to weight-bearing assistance with transfers; washing,  
15 bathing, or grooming a participant's body; or guiding a  
16 participant's limbs or implements to assist with feeding or  
17 dressings.

18 "Care coordination" means a person-centered, assessment-  
19 based, interdisciplinary approach to integrating health care and  
20 social support services that are tailored to an individual's  
21 needs and goals across all care services.



1       "Case management" means assistance either in the form of  
2 access or care coordination in circumstances where an individual  
3 is experiencing diminished functioning capacities, personal  
4 conditions, or other characteristics that require the provision  
5 of services by formal service providers or family caregivers.  
6 Activities of case management may include assessing needs,  
7 developing care plans, authorizing and coordinating services  
8 among providers, and providing follow-up and reassessment, as  
9 required.

10       "Chore" means assistance such as heavy housework, yard  
11 work, or sidewalk maintenance for a person.

12       "Coach" means an individual who:

- 13       (1) Helps the self-directing participant understand the  
14 program of self-directed supports;  
15       (2) Develops and implements a spending plan to describe  
16 how the participant will spend the participant's  
17 budget; and  
18       (3) Evaluates whether the self-direction program is  
19 meeting the participant's needs.

20       "Family caregivers" means a spouse, adult child, other  
21 relative, partner, or friend who has a personal relationship





1 with, and provides a broad range of unpaid assistance for an  
2 older adult with a chronic or disabling condition.

3 "Home delivered meals" means a meal provided to a qualified  
4 individual in the individual's place of residence; provided that  
5 the meal is served in a program administered by the executive  
6 office on aging or an area agency on aging and meets all of the  
7 requirements of the Older American Act of 1965, as amended, and  
8 all state and local laws.

9 "Homemaker" means assistance with preparing meals, shopping  
10 for personal items, managing money, using the telephone, or  
11 doing light housework.

12 "Instrumental activities of daily living" means the  
13 following instrumental activities that individuals perform as a  
14 part of daily living: preparing meals, shopping for personal  
15 items, medication management, managing money, using the  
16 telephone, performing light housework, performing heavy  
17 housework, and making use of available transportation.

18 "Kupuna care core services" means services consisting of:

- 19 (1) Adult day care;
- 20 (2) Attendant care;
- 21 (3) Case management;



- 1        (4) Chore;
- 2        (5) Homemaker;
- 3        (6) Home delivered meals;
- 4        (7) Personal care;
- 5        (8) Transportation; or
- 6        (9) Assisted Transportation.

7        "Nutrition and meal delivery" means the delivery of a meal  
 8 to a qualified individual at the individual's place of  
 9 residence.

10       "Person-centered plan" means a plan developed by a  
 11 participant with the assistance of a coach that allows the  
 12 participant to establish goals, skills, and knowledge necessary  
 13 to work toward the desired outcomes and lays out practical steps  
 14 to the achievement of the goals; provided that family members  
 15 and friends may provide assistance in developing a participant's  
 16 plan if the participant chooses to include them.

17       "Person-centered planning" means a process, directed by the  
 18 participant, intended to identify the strengths, capacities,  
 19 preferences, needs, and desired outcomes of the participant.

20       "Personal care" means personal assistance, stand-by  
 21 assistance, supervision, or cues.



1        "Transportation" means transportation from one location to  
2 another with a vehicle and does not include any other activity.

3        [~~d~~] (m) The director shall adopt rules pursuant to  
4 chapter 91 necessary for the purposes of this section."

5        SECTION 4. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$                    or so much  
7 thereof as may be necessary for fiscal year 2017-2018 and the  
8 sum of \$                    or so much thereof as may be necessary for  
9 fiscal year 2018-2019 for the establishment and implementation  
10 of the kupuna caregivers program.

11        The sums appropriated shall be expended by the executive  
12 office on aging for the purposes of this Act.

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, 2075.



**Report Title:**

Kupuna Care; Caregivers; Executive Office on Aging;  
Appropriation

**Description:**

Requires the Executive Office on Aging to establish the Kupuna Caregivers Program to assist community members who are providing care for elders to stay in the workforce. Clarifies the kupuna service and support options provided by area agencies on aging within the program. Appropriates funds for establishing and implementing the program. (HB607 HD1)

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

