A BILL FOR AN ACT

RELATING TO SUBSTITUTE CAREGIVERS.

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

SECTION 1. The legislature finds that care facilities play a vital role in caring for elderly and disabled individuals in the State. The legislature notes that these care facilities often provide twenty-four hour care. The legislature further finds that because primary caregivers in these care facilities are occasionally temporarily unable to serve as primary caregivers, substitute caregivers often provide valuable services to the individuals in these facilities.

The legislature recognizes that the maximum number of hours that substitute caregivers may serve as substitute caregivers per day must be carefully calculated. Requiring substitute caregivers to work too many hours may result in crucial errors being made. However, not allowing substitute caregivers to work enough hours per day may cause a number of other problems, including but not limited to scheduling issues and increased costs, without providing any material benefits.
Accordingly, the purpose of this Act is to authorize substitute caregivers in certain state-licensed or state-certified care facilities to serve in that capacity for a maximum of six hours per day.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to part I be appropriately designated and to read as follows:

"§321- Substitute caregivers; care facilities. Notwithstanding any law to the contrary, any substitute caregiver in a state-licensed or state-certified care facility may act as a substitute caregiver for a maximum of six hours per day; provided that this section shall only apply to substitute caregivers who are required by the department to be nurse aides and who are substituting for a caregiver employed by one of the following:

(1) An adult residential care home;
(2) An expanded adult residential care home;
(3) A developmental disabilities domiciliary home;
(4) A community care foster family home; or
(5) An adult foster home for developmentally disabled individuals."
SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: 

[Signatures]

JAN 24 2019
Report Title:
Department of Health; Care Facilities; Substitute Caregivers; Wages and Hours; Maximum Hours Per Day

Description:
Authorizes certain substitute caregivers in certain care facilities to serve in that capacity for a maximum of 6 hours per day.

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