
A BILL FOR AN ACT

RELATING TO CARE HOMES.

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

1 SECTION 1. Section 346-53, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§346-53 Determination of amount of assistance. (a) This
4 subsection does not apply to general assistance to households
5 without minor dependents. The standard of need for families of
6 given sizes shall equal the poverty level established by the
7 federal government in 1993, prorated over a twelve-month period.

8 The assistance allowance provided shall be based on a
9 percentage of the standard of need. For exempt households and
10 households in which all caretaker relatives are minors, living
11 independently with minor dependents and attending school, the
12 assistance allowance shall be set at sixty-two and one-half per
13 cent of the standard of need. For all other households, the
14 assistance allowance shall be set no higher than sixty-two and
15 one-half per cent of the standard of need and set no lower than
16 fifty per cent of the standard of need. The standard of need
17 shall be determined by dividing the 1993 federal poverty level
18 by twelve and rounding down the quotient. The remaining



1 quotient shall be multiplied by the per cent as set by the
2 director by rules pursuant to chapter 91 and the final product
3 shall be rounded down to determine the assistance allowance;
4 provided that:

5 (1) The department may increase or reduce the assistance
6 allowance as determined in this subsection for non-
7 exempt households for the purpose of providing work
8 incentives or services under part XI of this chapter;

9 (2) No reduction shall be allowed that jeopardizes
10 eligibility for or receipt of federal funds;

11 (3) Reductions in the assistance allowance shall be
12 limited to no more than one per year; and

13 (4) No non-exempt household, which includes an adult who
14 has received sixty cumulative months of temporary
15 assistance to needy families with minor dependents,
16 shall be eligible for an assistance allowance, unless
17 authorized by federal regulations.

18 (b) The director shall determine the allowance for general
19 assistance to households without minor dependents based upon the
20 total amount appropriated for general assistance to households
21 without minor dependents, among other relevant factors.



1 (c) The director, pursuant to chapter 91, shall determine
2 the rate of payment for domiciliary care provided to recipients
3 eligible either for Federal Supplementary Security Income, or
4 public assistance in accordance with state standards, or both.
5 The director shall provide for level of care payment as follows:

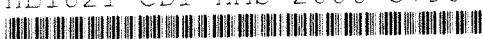
6 (1) For those adult residential care homes classified as
7 facility type I, licensed developmental disabilities
8 domiciliary homes as defined under section 321-15.9,
9 and adult foster homes as defined under section
10 321-11.2, the state supplemental payment shall not
11 exceed \$521.90; and

12 (2) For those adult residential care homes classified as
13 facility type II, the state supplemental payment shall
14 not exceed \$629.90.

15 If the operator does not provide the quality of care
16 consistent with the needs of the individual to the satisfaction
17 of the department, the department may remove the recipient to
18 another facility.

19 The department shall handle abusive practices under this
20 section in accordance with chapter 91.

21 Nothing in this subsection allows the director to remove a
22 recipient from an adult residential care home or other similar



1 institution if the recipient does not desire to be removed and
2 the operator is agreeable to the recipient remaining, except
3 where the recipient requires a higher level of care than
4 provided, or where the recipient no longer requires any
5 domiciliary care.

6 (d) On July 1, 2006, and thereafter, as the department
7 determines a need, the department shall authorize a payment, as
8 allowed by federal law, for resident clients receiving
9 supplemental security income in adult residential care home type
10 I and type II facilities, licensed developmental disabilities
11 domiciliary homes as defined under section 321-15.9, community
12 care foster family homes as defined under section 346-331, and
13 certified adult foster homes as defined under section 321-11.2,
14 when state funds appropriated for the purpose of providing
15 payments under subsection (c) for a specific fiscal year are not
16 expended fully within a period that meets the requirements of
17 the department's maintenance of effort agreement with the Social
18 Security Administration.

19 The payment shall be made with that portion of state funds
20 identified in this subsection that has not been expended.



1 The department shall determine the rate of payment to
2 ensure compliance with its maintenance of effort agreement with
3 the Social Security Administration.

4 [~~(d)~~] (e) The department shall pay rental and utility (to
5 include gas, electricity, and water only) deposits once only for
6 any person eligible for financial assistance by the department.
7 However, under extraordinary circumstances as determined by the
8 department, an additional rental deposit, utility deposit, or
9 both, may be granted.

10 [~~(e)~~] (f) Any recipient may petition the department for
11 additional assistance when the recipient's need is due to
12 emergencies caused by seismic wave, tsunami, hurricane, volcanic
13 eruption, typhoon, earthquake, flood, or fire determined by the
14 director to have caused losses as to require and justify
15 additional assistance from the State. In addition, any
16 recipient may petition the department for additional assistance
17 for the replacement or repair of household appliances. [~~Such~~]
18 The additional assistance shall be paid on an emergency basis,
19 as determined by the department, to meet the cost of replacing
20 or repairing household appliances. If the cost of repairs of
21 household appliances is less than one-half the unit cost of the
22 item, the department shall pay for the cost of repairs. If the



1 cost of repairs of household appliances is [~~more than~~] one-half
2 the unit cost of the item[~~7~~] or more, the department shall
3 replace the household appliance; provided that the replacement
4 cost shall not exceed \$350. For the purposes of this
5 subsection, "household appliances" means a refrigerator or a
6 range.

7 The department shall establish an emergency fund, not to
8 exceed one per cent of total financial assistance from state
9 funds required by this chapter in the previous fiscal year. The
10 director shall adopt rules pursuant to chapter 91 for
11 determining in which cases to grant lump sum payments to
12 recipients petitioning for additional assistance.

13 [~~(f)~~] (g) The department shall include protective child
14 care payment as a special needs item in the financial assistance
15 standard for cases of child neglect or abuse requiring placement
16 of a child in child care. The referral for protective child
17 care payment shall be from the department's child welfare
18 program and the rate of payment shall be set by the department.

19 [~~(g)~~] (h) The director shall adopt rules pursuant to
20 chapter 91 to implement this section."

21 SECTION 2. Section 346-53, Hawaii Revised Statutes, is
22 amended by amending subsection (c) to read as follows:

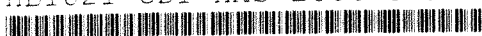


1 "(c) The director, pursuant to chapter 91, shall determine
2 the rate of payment for domiciliary care, including care
3 provided in licensed developmental disabilities domiciliary
4 homes, community care foster family homes, and certified adult
5 foster homes, provided to recipients eligible either for Federal
6 Supplementary Security Income, [~~or~~] public assistance in
7 accordance with state standards, or both. The director shall
8 provide for level of care payment as follows:

9 (1) For those adult residential care homes classified as
10 facility type I, licensed developmental disabilities
11 domiciliary homes as defined under section 321-15.9,
12 community care foster family homes as defined under
13 section 346-331, and certified adult foster homes as
14 defined under section 321-11.2, the state supplemental
15 payment shall not exceed [~~\$521.90~~] \$621.90; and

16 (2) For those adult residential care homes classified as
17 facility type II, the state supplemental payment shall
18 not exceed [~~\$629.90~~] \$729.90.

19 If the operator does not provide the quality of care
20 consistent with the needs of the individual to the satisfaction
21 of the department, the department may remove the recipient to
22 another facility.



1 The department shall handle abusive practices under this
2 section in accordance with chapter 91.

3 Nothing in this subsection [~~allows~~] shall allow the
4 director to remove a recipient from an adult residential care
5 home or other similar institution if the recipient does not
6 desire to be removed and the operator is agreeable to the
7 recipient remaining, except where the recipient requires a
8 higher level of care than provided[~~7~~] or where the recipient no
9 longer requires any domiciliary care."

10 SECTION 3. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$1,375,000 or so much
12 thereof as may be necessary for fiscal year 2006-2007 for the
13 state supplemental payments as provided in section 2 of this
14 Act.

15 The sum appropriated shall be expended by the department of
16 human services for the purposes of this Act.

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect on July 1, 2006;
20 provided that section 2 shall take effect on January 1, 2007.

HB NO. 1821 HD2
SD2
CD1

REPORT Title:

Care Homes; Level of Care Payments

Description:

Clarifies that domiciliary care includes care provided in developmental disabilities domiciliary homes, community care foster family homes, and adult foster homes. Increases level of care payment for types I and II ARCHs. Appropriates funds.
(HB1821 CD1)

