
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, including care
3 provided in licensed developmental disabilities domiciliary
4 homes, community care foster family homes, and developmental
5 disabilities adult foster homes, provided to recipients eligible
6 either for Federal Supplementary Security Income, [e] public
7 assistance in accordance with state standards, or both. The
8 director shall 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,~~] be at least
16 \$ _____; and

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

20 If the operator does not provide the quality of care
21 consistent with the needs of the individual to the satisfaction



1 of the department, the department may remove the recipient to
2 another facility.

3 The department shall handle abusive practices under this
4 section in accordance with chapter 91.

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

12 (d) On July 1, 2006 and thereafter, as the department
13 determines a need, the department shall authorize a payment, as
14 allowed by federal law, for resident clients receiving
15 supplemental security income in adult residential care home type
16 I and type II facilities when state funds appropriated for the
17 purpose of providing payments under subsection (c) for a
18 specific state fiscal year are not expended fully within a
19 period that meets the requirements of the department's
20 maintenance of effort agreement with the Social Security
21 Administration.



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

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

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

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



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

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

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

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



1 SECTION 2. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$1,798,200, or so
3 much thereof as may be necessary for fiscal year 2006-2007, to
4 provide for continued operation of developmental disabilities
5 domiciliary homes and apartment complexes for persons with
6 developmental disabilities.

7 SECTION 3. The sum appropriated shall be expended by the
8 department of health for the purposes of this Act.

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 2006.

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. Establishes a minimum level of care payment for types I and II ARCHs. Appropriates funds. (SD1)

