
A BILL FOR AN ACT

RELATING TO ADULT RESIDENTIAL CARE HOMES.

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

1 SECTION 1. The legislature finds that payments from the
2 State for individuals in adult residential care homes have not
3 increased since 1997, although the cost of care has risen.

4 The purpose of this Act is to increase the level of care
5 payment to adult residential home operators to assist with
6 increased care costs.

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

9 **"§346-53 Determination of amount of assistance.** (a) This
10 subsection does not apply to general assistance to households
11 without minor dependents. The standard of need for families of
12 given sizes shall equal the poverty level established by the
13 federal government in 1993, prorated over a twelve-month period.

14 The assistance allowance provided shall be based on a
15 percentage of the standard of need. For exempt households and
16 households in which all caretaker relatives are minors, living
17 independently with minor dependents and attending school, the
18 assistance allowance shall be set at sixty-two and one-half per



1 cent of the standard of need. For all other households, the
2 assistance allowance shall be set no higher than sixty-two and
3 one-half per cent of the standard of need and set no lower than
4 fifty per cent of the standard of need. The standard of need
5 shall be determined by dividing the 1993 federal poverty level
6 by twelve and rounding down the quotient. The remaining
7 quotient shall be multiplied by the per cent as set by the
8 director by rules pursuant to chapter 91 and the final product
9 shall be rounded down to determine the assistance allowance;
10 provided that:

- 11 (1) The department may increase or reduce the assistance
12 allowance as determined in this subsection for
13 non-exempt households for the purpose of providing
14 work incentives or services under part XI of this
15 chapter;
- 16 (2) No reduction shall be allowed that jeopardizes
17 eligibility for or receipt of federal funds;
- 18 (3) Reductions in the assistance allowance shall be
19 limited to no more than one per year; and
- 20 (4) No non-exempt household, which includes an adult who
21 has received sixty cumulative months of temporary
22 assistance to needy families with minor dependents,

1 shall be eligible for an assistance allowance, unless
2 authorized by federal regulations.

3 (b) The director shall determine the allowance for general
4 assistance to households without minor dependents based upon the
5 total amount appropriated for general assistance to households
6 without minor dependents, among other relevant factors.

7 (c) The director, pursuant to chapter 91, shall determine
8 the rate of payment for domiciliary care provided to recipients
9 eligible either for Federal Supplementary Security Income, or
10 public assistance in accordance with state standards, or both.
11 The director shall provide for level of care payment, beginning
12 January 1, 2007, as follows:

13 (1) For those adult residential care homes classified as
14 facility type I, licensed developmental disabilities
15 domiciliary homes as defined under section 321-15.9,
16 and adult foster homes as defined under section
17 321-11.2, the state supplemental payment shall not
18 exceed [~~\$521.90~~] \$621.90; and

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

1 If the operator does not provide the quality of care
2 consistent with the needs of the individual to the satisfaction
3 of the department, the department may remove the recipient to
4 another facility.

5 The department shall handle abusive practices under this
6 section in accordance with chapter 91.

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

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

1 maintenance of effort agreement with the Social Security
2 Administration.

3 The payment shall be paid with that portion of the state
4 funds identified in this subsection that has not been expended.

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

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

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

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

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

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



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

3 SECTION 3. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$1,350,000, or so
5 much thereof as may be necessary for fiscal year 2006-2007, for
6 the increase in the level of care payments for adult residential
7 care homes.

8 SECTION 4. The sum appropriated shall be expended by the
9 department of human services for the purposes of this Act.

10 SECTION 5. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect upon its approval.

Report Title:

Adult Residential Care Homes

Description:

Increases level of care payments for adult residential care providers effective January 1, 2007. Appropriates funds for increased payments. Authorizes a payment on July 1, 2006 to resident clients receiving state supplemental payments. (SD1)

