
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
7 non-exempt households for the purpose of providing
8 work incentives or services under part XI of this
9 chapter;

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

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

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

19 (b) The director shall determine the allowance for general
20 assistance to households without minor dependents based upon the
21 total amount appropriated for general assistance to households
22 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 developmental disabilities domiciliary homes,
4 developmental disabilities adult foster homes, community care
5 foster family homes, and developmental disabilities apartment
6 complexes, provided to recipients eligible either for Federal
7 Supplementary Security Income, or public assistance in
8 accordance with state standards, or both.

9 The director shall provide for level of care payment, beginning
10 January 1, 2007, as follows:

11 (1) For those adult residential care homes classified as
12 facility type I, licensed developmental disabilities
13 domiciliary homes and developmental disabilities
14 apartment complexes as defined under section 321-15.9,
15 community care foster family homes as defined under
16 section 346-331, and adult foster homes as defined
17 under section 321-11.2, the state supplemental payment
18 shall not 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 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

Report Title:

ARCH

Description:

Increases rates for adult residential care homes, adult foster homes, developmental disabilities domiciliary homes, and community care foster family homes. Adds developmental disabilities apartment complexes to care home providers receiving level of care payments. (SD1)

