

JAN 23 2008

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# A BILL FOR AN ACT

RELATING TO LONG-TERM CARE.

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

1           SECTION 1. The Legislature has made it a priority to find  
2 solutions to Hawaii's predicted long-term care crisis based on  
3 the state's rapidly aging population. Many families in Hawaii  
4 choose to care for elderly or disabled family members in their  
5 homes rather than a facility. However, in-home care does not  
6 allow the same financing options through Medicaid as licensed  
7 nursing facilities. Additionally, the medical needs of the  
8 person being cared for may change, thereby requiring a different  
9 type of care.

10           It is the intent of the Legislature to promote independence  
11 and choice by providing individuals who are eligible under  
12 Medicaid to receive nursing facility care the full spectrum of  
13 service options available, including the following:

- 14           (1) Admittance to a nursing facility;
- 15           (2) The option to remain in the individual's community and  
16           receive home- and community-based long-term care,  
17           support, and services; and



1           (3) The option to relocate from a nursing facility back to  
2           the individual's community and to receive home- and  
3           community-based long-term care, support, and services.

4           SECTION 2. Chapter 346, Hawaii Revised Statutes, is  
5           amended by adding a new section to be appropriately designated  
6           and to read as follows:

7           "§346-        Medicaid funds; transfer. (a) The department  
8           shall transfer Medicaid funds from a nursing facility or long-  
9           term care based facility to home- or community-based long-term  
10           care, support, and services, when an individual chooses to  
11           remain in the individual's community or to relocate from a  
12           nursing facility to receive home- and community-based long-term  
13           care, support, and services.

14           (b) The costs for home- and community-based services may  
15           not exceed, on an average per capita basis, the total  
16           expenditures that would have been incurred if the individual  
17           received facility-based long-term care, services, or support.

18           (c) The department shall establish rules pursuant to  
19           chapter 91 to carry out the purposes of this section."

20           SECTION 3. The department of human services shall apply  
21           for all waivers and grants necessary to implement this Act.



1 SECTION 4. This Act shall take effect on July 1, 2008,  
2 except that section 2 shall take effect no later than one year  
3 after receiving any waivers and grants necessary to implement  
4 this Act.

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INTRODUCED BY: Carolea K. Iwashihara



Report Title:

Long-term Care; Medicaid; Transfer of Funds

Description:

Allows persons eligible to receive Medicaid funds for care at nursing home facilities to remain at home and receive home and community-based long-term care.

