

FEB 12 2010

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO EXAMINE AND
EVALUATE THE FINANCIAL VIABILITY AND EFFECTIVENESS OF
REQUIRING THE SUBSTITUTE CAREGIVER IN A COMMUNITY CARE
FOSTER FAMILY HOME TO BE A CERTIFIED NURSE AIDE WHEN A
THIRD CLIENT IS CARED FOR IN THE HOME.

1 WHEREAS, by amendment to section 346-331, Hawaii Revised
2 Statutes, the Legislature amended the definition of "community
3 care foster family home" (effective on July 1, 2007) to allow
4 the Department of Human Services, in its discretion, to "certify
5 a home for a third adult who is at the nursing level of care and
6 a medicaid recipient"; and
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8 WHEREAS, however, this discretionary power to certify a
9 third client beyond the two clients that a community care foster
10 family home may care for is conditioned on a requirement that
11 "the primary and substitute caregivers are certified nurse aides
12 who have completed a state-approved training program and other
13 training as required by the department"; and
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15 WHEREAS, under section 17-1454-2, Hawaii Administrative
16 Rules (HAR) (Human Services), "nurse aide" is defined as an
17 individual who has successfully completed an approved nurse aide
18 course, or has passed an approved equivalency test, or an
19 individual who has one year of full-time employment as a nurse
20 aide under the supervision of a registered nurse in a hospital,
21 skilled nursing facility, intermediate care facility, or home
22 health agency"; and
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24 WHEREAS, section 17-1454-2, HAR, also defines:

- 25
26 (1) A "primary caregiver" as "the individual who is
27 directly responsible for the supervision and care of
28 the client"; and
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1 (2) A "substitute caregiver" as "an individual who is
2 trained and identified in the service plan to provide
3 daily personal care to clients in the absence of the
4 primary caregiver"; and
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6 WHEREAS, section 17-1454-41(d), HAR, which was amended and
7 compiled on February 7, 2005, prior to the grant of discretion
8 to the Department of Human Services to certify a community care
9 foster family home for a third client, already requires "the
10 substitute caregiver who provides three or more hours of
11 services per day to a client shall, at minimum, be a NA [nurse
12 aide]"; and
13

14 WHEREAS, before the grant of discretion, many community
15 care foster family homes did not need the substitute caregiver
16 to be a nurse aide because there has not always been a need for
17 the substitute caregiver to provide three or more hours of care;
18 and
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20 WHEREAS, after the grant of discretion beginning on July 1,
21 2007, there have been reports that allowing a third client
22 clearly requires the substitute caregiver to provide more than
23 three hours of care per day, triggering the need for the
24 substitute caregiver to obtain credentials as a nurse aide; and
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26 WHEREAS, however, the cost of providing a second nurse
27 aide, in the person of the substitute caregiver, nullifies the
28 financial benefit of taking on a third client; now, therefore,
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30 BE IT RESOLVED by the Senate of the Twenty-fifth
31 Legislature of the State of Hawaii, Regular Session of 2010, the
32 House of Representatives concurring, that the Department of
33 Human Services is requested to examine and evaluate the
34 financial viability and effectiveness of requiring the
35 substitute caregiver in a community care foster family home to
36 be a certified nurse aide when a third client is cared for in
37 the home; and
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39 BE IT FURTHER RESOLVED that the Department of Human
40 Services is also requested to examine the effects of the
41 requirement for a second certified nurse aide on:
42



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- 1 (1) The effectiveness of caregiving in terms of the
- 2 safety, health, and wellbeing of all three clients in
- 3 the home;
- 4
- 5 (2) The financial viability of the community care foster
- 6 family home operator; and
- 7
- 8 (3) The creation of any unintended effects; and
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10 BE IT FURTHER RESOLVED that the Director of Human Services
 11 is requested to submit a report of findings and recommendations,
 12 including any necessary proposed legislation, to the Legislature
 13 no later than twenty days prior to the convening of the Regular
 14 Session of 2011; and

15 BE IT FURTHER RESOLVED that certified copies of this
 16 Concurrent Resolution be transmitted to the Director of Human
 17 Services.
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OFFERED BY: Clarence K. Washburn

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