



GOV. MSG. NO. 1325

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 11, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 11, 2011, the following bill was signed into law:

HB739 HD2 SD1 CD1

RELATING TO COMMUNITY CARE FOSTER
FAMILY HOMES
Act 221 (11)

Sincerely,

A handwritten signature in black ink that reads "Neil Abercrombie". The signature is written in a cursive style and is positioned above the printed name.

NEIL ABERCROMBIE
Governor, State of Hawaii

JUL 11 2011

on

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2011
STATE OF HAWAII

ACT 221
H.B. NO. 739
H.D. 2
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES.

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

1 SECTION 1. Section 346-331, Hawaii Revised Statutes, is
2 amended by amending the definition of "community care foster
3 family home" to read as follows:

4 "Community care foster family home" or "home" means a home
5 that, for the purposes of this part:

6 (1) Is regulated by the department in accordance with
7 rules that are equitable in relation to rules that
8 govern expanded adult residential care homes;

9 (2) Is issued a certificate of approval by the department
10 or its designee to provide, for a fee, twenty-four-
11 hour living accommodations, including personal care
12 and homemaker services, for not more than two adults
13 at any one time, at least one of whom shall be a
14 medicaid recipient, who are at the nursing facility
15 level of care, who are unrelated to the foster family,
16 and who are receiving the services of a licensed home
17 and community-based case management agency; provided
18 that the department, in its discretion, may certify a



1 home for a third adult who is at the nursing level of
2 care and a medicaid recipient; provided that the:

3 (A) Home has been certified and in operation for not
4 less than one year;

5 (B) [~~primary and substitute caregivers are certified~~
6 ~~nurse aides who have~~] Primary caregiver is a
7 certified nurse aide, as defined in section
8 457A-1.5, who has completed a state-approved
9 training program and other training as required
10 by the department; and

11 (C) Substitute caregiver is a nurse aide, as defined
12 in section 457A-1.5, who has completed a state-
13 approved training program and other training as
14 required by the department;

15 and

16 (3) Does not include expanded adult residential care homes
17 or assisted living facilities, which shall continue to
18 be licensed by the department of health."

19 SECTION 2. Section 346-334, Hawaii Revised Statutes, is
20 amended by amending subsection (b) to read as follows:

21 "(b) The department shall adopt rules pursuant to chapter
22 91 relating to:



- 1 (1) Standards of conditions and competence for the
2 operation of community care foster family homes;
- 3 (2) Procedures for obtaining and renewing a certificate of
4 approval from the department; [~~and~~]
- 5 (3) Minimum grievance procedures for clients of community
6 care foster family home services[-]; and
- 7 (4) Requirements for primary and substitute caregivers
8 caring for three clients in community care foster
9 family homes including:
- 10 (A) Mandating that primary and substitute caregivers
11 be twenty-one years of age or older;
- 12 (B) Mandating that primary and substitute caregivers
13 complete a minimum of twelve hours of continuing
14 education every twelve months or at least twenty-
15 four hours of continuing education every twenty-
16 four months;
- 17 (C) Allowing the primary caregiver to be absent from
18 the community care foster family home for no more
19 than twenty-eight hours in a calendar week, not
20 to exceed five hours per day; provided that the
21 substitute caregiver is present in the community



1 care foster family home during the primary
2 caregiver's absence;

3 (D) Where the primary caregiver is absent from the
4 community care foster family home in excess of
5 the hours as prescribed in subparagraph (C),
6 mandating that the substitute caregiver be a
7 certified nurse aide; and

8 (E) Mandating that the substitute caregiver have, at
9 a minimum, one year prior work experience as a
10 caregiver in a community residential setting or
11 in a medical facility."

12 SECTION 3. The department of human services shall evaluate
13 the implementation of the provisions of this Act and provide a
14 report to the legislature no later than twenty days prior to the
15 convening of the regular session of 2012.

16 SECTION 4. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 2011;
19 provided that on June 30, 2013, this Act shall be repealed and
20 sections 346-331 and 346-334, Hawaii Revised Statutes, shall be
21 reenacted in the form in which they read on the day prior to the
22 effective date of this Act.



H.B. NO.

739
H.D. 2
S.D. 1
C.D. 1

APPROVED this 11 day of JUL, 2011

Neil Abernethy

GOVERNOR OF THE STATE OF HAWAII