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# 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.



**Report Title:**

Community Care Foster Family Homes

**Description:**

Requires that the primary caregiver be a certified nurse aide and the substitute caregiver be a nurse aide who has completed certain training in community care foster family homes approved for a maximum of three clients. Requires community care foster family homes to be certified and in operation for at least one year prior to being certified for a third client. Requires the Department of Human Services to adopt rules relating to various requirements, including age, continuing education, absence and presence in community care foster family homes, and work experience for primary and substitute caregivers caring for three clients in community care foster family homes. Effective July 1, 2011. (HB739 CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

