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# A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

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

1           SECTION 1. Community care foster family homes were  
2 originally created, and more recently expanded, to serve  
3 medicaid clients who, due to a lack of financial resources, have  
4 limited options for long-term care. In 2006, Act 270, codified  
5 in section 346-331, Hawaii Revised Statutes, granted the  
6 department of human services the discretion to expand the  
7 maximum allowable capacity of community care foster family homes  
8 from two to three beds; provided that two of those beds are  
9 occupied by medicaid clients. This was done to help preserve  
10 adequate space in long-term care facilities for those with  
11 limited options.

12           Since September 2005, five hundred new community care  
13 foster family homes have opened and new homes continue to be  
14 opened. However, there is also an increasing need for community  
15 care foster family homes as Hawaii continues to have an aging  
16 population which is expanding faster than national rates. It is  
17 clear that a large portion of this population will be medicaid



1 eligible meaning that there will be a larger population sharing  
2 fewer resources.

3 While this presents very real logistical difficulties,  
4 there is also a recognized need to accommodate private-pay  
5 individuals who share a long-term relationship. As the cost of  
6 medical care continues to rise, it is becoming apparent that  
7 even those who do not rely on medicaid for their long-term care  
8 cannot afford the cost of private care, leaving this population,  
9 also, with limited options.

10 The purpose of this Act, therefore, is to effectuate a  
11 balance among the varied needs of Hawaii's aged population by  
12 allowing the department of human services to establish a  
13 temporary demonstration project that permits two private-pay  
14 individuals to be cared for in the same community care foster  
15 family home, provided they meet certain qualifying conditions.  
16 The demonstration project will be monitored and evaluated by the  
17 department of human services on its effects on space  
18 availability for medicaid clients in the community care foster  
19 family homes.

20 SECTION 2. Notwithstanding the definition of "community  
21 care foster family home" under section 346-331, Hawaii Revised  
22 Statutes, the department of human services may establish and



1 implement a three-year demonstration project to allow two  
2 private-pay individuals to be cared for in the same community  
3 care foster family home; provided that all of the following  
4 conditions are met:

5 (1) The community care foster family home is certified for  
6 three beds;

7 (2) Operators of three-bed community care foster family  
8 homes immediately notify the department of human  
9 services or its designee of any vacancy in writing;

10 (3) The community care foster family home has had a  
11 vacancy in the third bed for at least six consecutive  
12 months; provided further that the department of human  
13 services may waive this requirement if, during the six  
14 preceding months, there has been a minimum of three  
15 vacant beds available for medicaid clients at other  
16 community care foster family homes within a thirty-  
17 minute drive on the island of Oahu or a sixty-minute  
18 drive on the neighbor islands;

19 (4) The two, private-pay clients are in a relationship  
20 with each other as:

21 (A) A married couple;

22 (B) Reciprocal beneficiaries;



- 1 (C) Siblings;
- 2 (D) A parent and a child;
- 3 (E) Best friends; or
- 4 (F) Civil unions if recognized in this State;
- 5 (5) One member of the private-pay couple has been in
- 6 residence at the community care foster family home for
- 7 at least one year; and
- 8 (6) There is certified medical documentation that the
- 9 member of the private-pay couple who has been residing
- 10 in the community care foster family home has a medical
- 11 condition that prevents the individual from being
- 12 moved from the community care foster family home.

13 SECTION 3. The department of human services shall:

- 14 (1) Monitor and evaluate the demonstration project for its
- 15 impact on the availability of space for medicaid
- 16 clients during this three-year demonstration project;
- 17 and
- 18 (2) Submit to the legislature a report of its findings and
- 19 recommendations no later than twenty days prior to the
- 20 convening of the regular session of 2014.

21 SECTION 4. It is the intent of this Act not to jeopardize  
22 the receipt of any federal aid. If this Act is found to be in



1 conflict with federal requirements that are a prescribed  
2 condition for the allocation of federal funds to the State, this  
3 Act shall be deemed void.

4 SECTION 5. Any person under the demonstration project  
5 shall be allowed to remain in the community care foster family  
6 home in which they reside upon the repeal of this Act.

7 SECTION 6. This Act shall take effect upon its approval,  
8 and shall be repealed three years from its effective date.



**Report Title:**

Human Services; Community Care Foster Family Home; Private Pay Clients

**Description:**

Allows the Department of Human Services to oversee a three-year demonstration project permitting two private-pay individuals to live in the same community care foster family home under specified conditions. (HB769 HD1)

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

