



GOV. MSG. NO. 1340

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 06, 2012

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

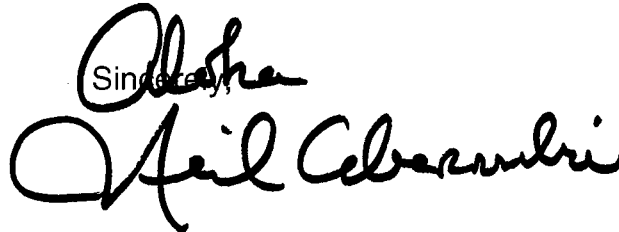
Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 06, 2012, the following bill was signed into law:

SB2779 SD2 HD1 CD1

RELATING TO THE AGING AND DISABILITY
RESOURCE CENTERS.

Act 237 (12)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

on JUL 6 2012

THE SENATE
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

ACT 237

S.B. NO. 2779
S.D. 2
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO THE AGING AND DISABILITY RESOURCE CENTERS.

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

1 SECTION 1. The legislature finds that the aging and
2 disability resource centers initiative is a collaborative
3 federal and state multi-agency effort with the support of the
4 counties led by the United States Administration on Aging and
5 Centers for Medicare and Medicaid Services to streamline access
6 to long-term supports and services for older adults, persons
7 with disabilities, family caregivers, and providers.

8 Aging and disability resource centers are designed to
9 address the frustrations many consumers and their families
10 experience when they need to obtain information and access to
11 long-term supports and services. In many communities, long-term
12 supports and services are administered by multiple agencies,
13 both public and private, and have complex, fragmented, and often
14 duplicative intake, assessment, and eligibility functions.
15 Determining how to obtain long-term supports and services can be
16 difficult. A single, coordinated system of information and
17 access for all persons seeking long-term supports and services
18 minimizes confusion, enhances individual choice, and fosters



1 informed decision-making. It also improves the ability of state
2 and county governments to manage resources and monitor program
3 quality through centralized data collection and evaluation,
4 which will result in the ability to target existing resources
5 where they are most needed, better estimate future need, and
6 develop long-term strategies for sustainability.

7 Aging and disability resource centers use two broad
8 strategies to divert persons from unnecessary and costly long-
9 term institutional care and ensure that short-term institutional
10 stays do not become permanent: (1) intervening with options
11 counseling; and (2) expediting eligibility determination
12 processes for home- and community-based services. Aging and
13 disability resource centers serve a critical role in improving
14 the ability of state and county governments to effectively
15 manage the long-term supports and services system, monitor
16 program quality, and measure responsiveness of state and county
17 systems of care.

18 The purpose of this Act is to codify the authorization for
19 the establishment of a statewide aging and disability resource
20 center with sites in each county.



1 SECTION 2. Chapter 349, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . AGING AND DISABILITY RESOURCE CENTERS PROGRAM**

5 **§349- Definitions.** As used in this part, unless the
6 context otherwise requires:

7 "Aging and disability resource centers" means an entity
8 established by the State as part of the state system of long-
9 term care serving as a highly visible and trusted source where
10 people of all incomes and ages can obtain information on the
11 full range of long-term support options and a single point of
12 entry for access to public long-term support programs and
13 benefits.

14 "Area agency on aging" means the agency in each county
15 designated by the executive office on aging, under section
16 305(a)(2)(A) of the Older Americans Act, P.L. 89-73, as amended,
17 to facilitate the area-wide development and implementation of a
18 comprehensive, coordinated system for providing long-term care
19 in home and community-based settings, in a manner responsive to
20 the needs and preferences of older individuals and their family
21 caregivers.



1 "Dementia" means a group of symptoms affecting intellectual
2 and social abilities severely enough to interfere with daily
3 functioning.

4 "Developmental disability" means a severe, chronic
5 disability of an individual that:

6 (1) Is attributable to a mental or physical impairment or
7 combination of mental and physical impairments;

8 (2) Is manifested before the individual attains age
9 twenty-two;

10 (3) Is likely to continue indefinitely;

11 (4) Results in substantial functional limitations in three
12 or more of the following areas of major life activity:

13 (A) Self-care;

14 (B) Receptive and expressive language;

15 (C) Learning;

16 (D) Mobility;

17 (E) Self-direction;

18 (F) Capacity for independent living; or

19 (G) Economic self-sufficiency; and

20 (5) Reflects the individual's need for a combination and
21 sequence of special, interdisciplinary, or generic
22 services, individualized supports, or other forms of



1 assistance that are of lifelong or extended duration
2 and are individually planned and coordinated.

3 An individual from birth to age nine, inclusive, who has a
4 substantial developmental delay or specific congenital or
5 acquired condition, may be considered to have a developmental
6 disability without meeting three or more of the criteria
7 described in paragraphs (1) through (5) of this definition if
8 the individual, without services and supports, has a high
9 probability of meeting three or more of those criteria later in
10 life.

11 "Family caregiver" means a spouse, adult child, other
12 relative, partner, or friend who has a personal relationship
13 with, and provides a broad range of unpaid assistance for an
14 older adult with a chronic or disabling condition.

15 "Informal caregiver" means a person who provides care for
16 an older person or person with a disability who needs long-term
17 supports and services, but does not receive compensation.

18 "Intellectual disability" means a person's attributes or
19 characteristics that demonstrate a limitation in intellectual
20 functioning and adaptive behavior as expressed in conceptual,
21 social, and practical skills, which are apparent prior to the



1 age of eighteen. This definition shall be based on the
2 following assumptions:

- 3 (1) Limitations in present functioning shall be considered
4 within the context of community environments typical
5 of the individual's age peers and culture;
- 6 (2) Validate assessment considers cultural and linguistic
7 diversity as well as differences in communication,
8 sensory, motor, and behavioral factors;
- 9 (3) Within the individual, limitations often coexist with
10 strengths;
- 11 (4) An important purpose of describing limitations is to
12 develop a profile of needed supports; and
- 13 (5) With appropriate personalized supports over a
14 sustained period, the life functioning of the person
15 with intellectual disability generally will improve.

16 "Long-term supports and services" means the broad range of
17 assistance and care needed by older persons or persons with
18 physical or mental disabilities who have lost or never acquired
19 the ability to function independently.

20 "Options counseling" means an interactive decision-support
21 process whereby consumers, family members, and significant
22 others are supported in their deliberations to determine



1 appropriate long-term care choices in the context of a
2 consumer's needs, preferences, values, and individual
3 circumstances.

4 "Physical disability" means the broad range of disabilities
5 including orthopedic, neuromuscular, cardiovascular, and
6 pulmonary disorders, which may be congenital or a result of
7 aging or injury.

8 "Severe mental illness" means one of several diseases that
9 affects the brain and significantly and functionally impairs an
10 individual for an indefinite period of time.

11 **§349- Aging and disability resource centers;**
12 **established.** (a) A statewide aging and disability resource
13 center may be established with sites in each county to
14 streamline access to long-term supports and services by
15 integrating the full range of long-term supports and services
16 into a single, coordinated system.

17 (b) The aging and disability resource center may be the
18 single point of entry in every county where persons of all ages,
19 incomes, and disabilities may access information in a person-
20 centered manner on the full range of long-term supports and
21 services options, including but not limited to:



- 1 (1) Federal, state, and county revenue-funded programs and
2 services including those funded by medicaid, medicare,
3 the Older Americans Act, the Department of Veterans
4 Affairs, and kupuna care;
- 5 (2) A centralized application process for publicly funded
6 long-term services and supports;
- 7 (3) Privately administered programs and services;
- 8 (4) Supports and services for persons with Alzheimer's
9 disease and other related dementia;
- 10 (5) Transportation services;
- 11 (6) Housing options;
- 12 (7) Elder rights protection;
- 13 (8) Hospital and nursing home discharge planning and care
14 transition;
- 15 (9) Health, prevention, and wellness programs;
- 16 (10) Support for grandparents raising grandchildren and
17 other relatives age fifty-five years or older caring
18 for children;
- 19 (11) Informal and family caregiver support services; and
- 20 (12) Community resources and services for individuals with
21 disabilities.



1 (c) The aging and disability resource centers shall target
2 delivery of services to:

- 3 (1) Persons sixty years of age and older;
- 4 (2) Persons of any age with physical disabilities, severe
5 mental illness, dementia, and developmental or
6 intellectual disabilities;
- 7 (3) Informal and family caregivers providing assistance to
8 persons needing long-term supports and services;
- 9 (4) Professionals seeking long-term supports and services
10 on behalf of their clients; and
- 11 (5) Persons planning for their future long-term supports
12 and services needs.

13 (d) The executive office on aging shall coordinate the
14 implementation of the statewide aging and disability resource
15 center.

16 (e) The aging and disability resource center may be a
17 function of each area agency on aging within the respective
18 geographic service area."

19 SECTION 3. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$1,400,000 or so much
21 thereof as may be necessary for fiscal year 2012-2013 for the
22 executive office on aging of the department of health to

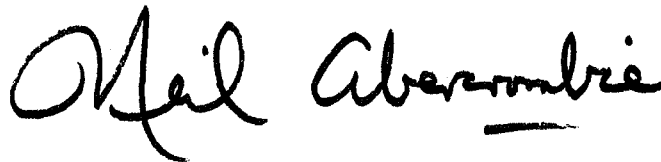


1 administer and establish a statewide aging and disability
2 resource center with sites in each county.

3 The sum appropriated shall be expended by the department of
4 health for the purposes of this Act.

5 SECTION 4. This Act shall take effect on July 1, 2012.

APPROVED this 6 day of JUL , 2012



GOVERNOR OF THE STATE OF HAWAII