
A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

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

1 **PART I**

2 SECTION 1. Section 346-53, Hawaii Revised Statutes, is
3 amended by amending subsection (b) to read as follows:

4 "(b) The director shall determine the allowance for
5 general assistance to households without minor dependents based
6 upon the total amount appropriated for general assistance to
7 households with minor dependents, and other funds appropriated
8 to the department of human services, among other relevant
9 factors."

10 SECTION 2. Section 346-71, Hawaii Revised Statutes, is
11 amended by amending subsection (e) to read as follows:

12 "(e) Within the limitations of this section, the
13 department shall by rules adopted pursuant to chapter 91,
14 determine:

15 (1) The allowance for general assistance to households
16 without minor dependents [~~based upon the total amount~~
17 ~~appropriated for general assistance to households~~



1 The purpose of this part is to appropriate moneys to
2 maintain the levels of programs determined to be essential to
3 public welfare.

4 SECTION 4. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$250,000 or so much
6 thereof as may be necessary for fiscal year 2012-2013 to provide
7 funding for grants pursuant to chapter 42F, Hawaii Revised
8 Statutes, to the Blueprint for Change for neighborhood place
9 walk-in centers.

10 The sum appropriated shall be expended by the department of
11 human services for the purposes of this part.

12 SECTION 5. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$550,000 or so much
14 thereof as may be necessary for fiscal year 2012-2013 to provide
15 funding for grants pursuant to chapter 42F, Hawaii Revised
16 Statutes, to the Hawaii Primary Care Association for the Hawaii
17 immigrant health initiative program provided at federally
18 qualified health centers.

19 The sum appropriated shall be expended by the department of
20 human services for the purposes of this part.

21 SECTION 6. There is appropriated out of the general
22 revenues of the State of Hawaii the sum of \$1,500,000 or so much



1 thereof as may be necessary for fiscal year 2012-2013 for youth
2 service centers.

3 The sum appropriated shall be expended by the department of
4 human services for the purposes of this part.

5 SECTION 7. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$210,000 or so much
7 thereof as may be necessary for fiscal year 2012-2013 to provide
8 funding for grants pursuant to chapter 42F, Hawaii Revised
9 Statutes, to Hale Mahaolu for personal care services.

10 The sum appropriated shall be expended by the department of
11 human services for the purposes of this part.

12 SECTION 8. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$200,000 or so much
14 thereof as may be necessary for fiscal year 2012-2013 for the
15 shelter plus care program.

16 The sum appropriated shall be expended by the department of
17 human services for the purposes of this part.

18 SECTION 9. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$1,900,000 or so much
20 thereof as may be necessary for fiscal year 2012-2013 to provide
21 funding for grants pursuant to chapter 42F, Hawaii Revised
22 Statutes, to the Hawaii Primary Care Association for adult



1 dental care provided at federally qualified health centers;
2 provided that the funds shall not be used for any other purpose.
3 The governor is authorized to utilize enhanced federal medical
4 assistance percentages funds to offset the amount appropriated;
5 provided that the total amount shall not exceed \$2,000,000. The
6 department of human services shall report to the legislature on:

- 7 (1) The number of adults receiving these benefits;
- 8 (2) The cost per person;
- 9 (3) Total breakdown of administrative costs and other
10 overhead costs; and
- 11 (4) Statistics, if available, on how this dental program
12 is reducing the number of emergency dental-related
13 medical procedures;

14 provided that the department of human services shall submit its
15 report no later than twenty days prior to the convening of the
16 2013 regular session.

17 The sum appropriated shall be expended by the department of
18 human services for the purposes of this part.

19 SECTION 10. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$100,000 or so much
21 thereof as may be necessary for fiscal year 2012-2013 for Maui



1 community college, University of Hawaii, for the adult dental
2 care program.

3 The sum appropriated shall be expended by the department of
4 human services for the purposes of this part.

5 SECTION 11. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$30,000 or so much
7 thereof as may be necessary for fiscal year 2012-2013 for
8 outstationed eligibility worker services provided at federally
9 qualified health centers.

10 The sum appropriated shall be expended by the department of
11 human services for the purposes of this part.

12 SECTION 12. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$80,000 or so much
14 thereof as may be necessary for fiscal year 2012-2013 to provide
15 funding for grants pursuant to chapter 42F, Hawaii Revised
16 Statutes, to the Hawaii Primary Care Association for outreach
17 services provided at federally qualified health centers.

18 The sum appropriated shall be expended by the department of
19 human services for the purposes of this part.

20 SECTION 13. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$44,636 or so much
22 thereof as may be necessary for fiscal year 2012-2013 to provide



1 funding for grants pursuant to chapter 42F, Hawaii Revised
2 Statutes, to the Hawaii Primary Care Association for outreach
3 services to locate uninsured children for services at federally
4 qualified health centers.

5 The sum appropriated shall be expended by the department of
6 human services for the purposes of this part.

7 SECTION 14. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$300,000 or so much
9 thereof as may be necessary for fiscal year 2012-2013 to provide
10 funding for grants pursuant to chapter 42F, Hawaii Revised
11 Statutes, to Adult Friends for Youth for youth gang prevention
12 and intervention services.

13 The sum appropriated shall be expended by the department of
14 human services for the purposes of this part.

15 SECTION 15. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$800,000 or so much
17 thereof as may be necessary for fiscal year 2012-2013 for child
18 care subsidies.

19 The sum appropriated shall be expended by the department of
20 human services for the purposes of this part.

21 SECTION 16. There is appropriated out of the general
22 revenues of the State of Hawaii the sum of \$450,000 or so much



1 thereof as may be necessary for fiscal year 2012-2013 to provide
2 funding for grants pursuant to chapter 42F, Hawaii Revised
3 Statutes, to Hawaii Centers for Independent Living for statewide
4 independent living services.

5 The sum appropriated shall be expended by the department of
6 human services for the purposes of this part.

7 SECTION 17. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$500,000 or so much
9 thereof as may be necessary for fiscal year 2012-2013 to the
10 office of youth services for a youth gang response system.

11 The sum appropriated shall be expended by the department of
12 human services for the purposes of this part.

13 SECTION 18. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$1,000,000 or so much
15 thereof as may be necessary for fiscal year 2012-2013 to provide
16 funding for grants pursuant to chapter 42F, Hawaii Revised
17 Statutes, to the united peer learning integrated new knowledge
18 program for statewide non-school hour programs.

19 The sum appropriated shall be expended by the office of
20 youth services of the department of human services for the
21 purposes of this part.



1 SECTION 19. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$600,000 or so much
3 thereof as may be necessary for fiscal year 2012-2013 to provide
4 funding for grants pursuant to chapter 42F, Hawaii Revised
5 Statutes, to the Partners in Development Foundation to:

6 (1) Provide comprehensive family training (early
7 childhood, parent, adult education, and intensive
8 child-caregiver activities) and transitional services
9 to sheltered and unsheltered homeless families on the
10 leeward coast of Oahu;

11 (2) Offer early screening, assessment, and referral
12 services for homeless children from birth to age five;
13 and

14 (3) Prepare homeless children for kindergarten by
15 providing developmentally appropriate social,
16 emotional, and cognitive activities in a child-
17 caregiver interactive learning environment.

18 The sum appropriated shall be expended by the department of
19 human services for the purposes of this part.

20 SECTION 20. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$3,200,000 or so much
22 thereof as may be necessary for fiscal year 2012-2013 to provide



1 funding for grants pursuant to chapter 42F, Hawaii Revised
2 Statutes, to PATCH (People Attentive to Children) for the
3 preschool open doors program.

4 The sum appropriated shall be expended by the department of
5 human services for the purposes of this part.

6 SECTION 21. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$150,000 or so much
8 thereof as may be necessary for fiscal year 2012-2013 to provide
9 funding for grants pursuant to chapter 42F, Hawaii Revised
10 Statutes, to The Children's Alliance of Hawaii, Inc., to provide
11 child sex assault services.

12 The sum appropriated shall be expended by the department of
13 human services for the purposes of this part.

14 **PART III**

15 SECTION 22. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so
17 much thereof as may be necessary for fiscal year 2012-2013 for
18 the creation of positions under the department of human
19 services for the supplemental nutrition assistance program.

20 The sum appropriated shall be expended by the department of
21 human services for the purposes of this part.

22 **PART IV**



1 SECTION 23. Section 412:3-114.5, Hawaii Revised Statutes,
2 is amended to read as follows:

3 "[~~f~~]**\$412:3-114.5**[~~f~~] **Mandatory reporting of suspected**
4 **financial abuse of an elder.** (a) A financial institution shall
5 report suspected financial abuse that is directed towards,
6 targets, or is committed against an elder to the appropriate
7 police department [~~of human services~~] and may report suspected
8 financial abuse to the department if:

9 (1) In connection with providing financial services to the
10 elder, the officer or employee of a financial
11 institution:

- 12 (A) Has direct contact with the elder; or
- 13 (B) Reviews or approves the elder's financial
14 documents, records, or transactions; and

15 (2) The officer or employee, within the scope of
16 employment or professional practice:

- 17 (A) Observes or has knowledge of an incident the
18 officer or employee believes in good faith
19 appears to be financial abuse; or

- 20 (B) In the case of officers or employers who do not
21 have direct contact with the elder, has a good
22 faith suspicion that financial abuse has occurred



1 or may be occurring, based solely on the
2 information present at the time of reviewing or
3 approving the document, record, or transaction.

4 (b) Suspected financial abuse shall be reported
5 immediately [~~to the department~~] by telephone [~~and by written~~
6 ~~report sent within five business days.~~] and by electronic
7 filing, or as soon as practicably possible, and by written
8 report sent within two business days, to the appropriate police
9 department; provided that suspected financial abuse may be
10 reported to the department of human services.

11 [~~(c) Upon notification by a financial institution of~~
12 ~~suspected financial abuse, the department, in a timely manner,~~
13 ~~shall determine whether the department has jurisdiction over the~~
14 ~~elder involved; and if not, shall notify the financial~~
15 ~~institution, which shall then notify the proper local law~~
16 ~~enforcement agency immediately by telephone and forward the~~
17 ~~written report to the agency within three business days. A~~
18 ~~financial institution shall not be liable for failing to report~~
19 ~~suspected financial abuse to a local law enforcement agency in~~
20 ~~cases in which the department fails to notify the institution of~~
21 ~~the department's lack of jurisdiction.]~~



1 (c) The department shall inform the appropriate police
2 department of all reports received by the department regarding a
3 case of financial abuse; provided that the name of the person
4 who reported the case of financial abuse shall be released to
5 the police department pursuant only to court order or the
6 person's consent.

7 (d) The department shall inform the appropriate police
8 department or office of the prosecuting attorney of any relevant
9 information concerning a case of financial abuse when the
10 information is required by the police department or the office
11 of the prosecuting attorney for the investigation or prosecution
12 of that case; provided that the name of the person who reported
13 the case of financial abuse shall be released to the police
14 department or the office of the prosecuting attorney pursuant
15 only to court order or the person's consent.

16 [~~d~~] (e) Notwithstanding any other state law to the
17 contrary, including but not limited to laws concerning
18 confidentiality, any person, including the financial
19 institution, who:

20 (1) Participates in the making of a report pursuant to
21 this section; and



1 (2) Believes, in good faith, that the action is warranted
2 by facts known to that person,
3 shall have immunity from any liability, civil or criminal, that
4 might be otherwise incurred or imposed by or as a result of the
5 making of the report. Any person making the report shall have
6 the same immunity with respect to participation in any judicial
7 proceeding resulting from the report.

8 [~~e~~] (f) For the purposes of this section:

9 "Department" means the department of human services.

10 "Elder" means a person who is sixty-two years of age or
11 older.

12 "Financial abuse" means financial abuse or economic
13 exploitation."

14 **PART V**

15 SECTION 24. The legislature finds that homelessness is a
16 complex and multifaceted issue requiring planning, coordination,
17 implementation, and funding across federal, state, local,
18 business, and community lines. Locally, many government
19 agencies, nonprofit organizations, and other private sector
20 organizations have worked diligently and successfully to assist
21 those who are homeless. Yet, Hawaii has experienced an increase
22 in the number of homeless individuals and families.



1 According to 2009 data, Hawaii has twice as many people who
2 are homeless per one hundred thousand people as the national
3 average. The 2011 State-wide Point in Time Count indicated a
4 six per cent increase in homelessness throughout the State.
5 Further, 2010 data indicate that almost one third of the
6 sheltered homeless are children; more than ten per cent are
7 veterans; over sixty per cent have lived in Hawaii for more than
8 ten years; almost half of the families who are homeless include
9 someone who is employed; and almost thirty per cent are Hawaiian
10 or part Hawaiian; thus, showing that there is no single profile
11 of someone who is homeless.

12 In January 2011, the governor of the State of Hawaii
13 pronouncing the elimination of homelessness a "moral
14 imperative", appointed the first governor's coordinator on
15 homelessness, to lead the effort to prevent and eliminate
16 homelessness in Hawaii through the use of strategic approaches,
17 structural changes, and unprecedented collaborative and civic
18 involvement.

19 On March 4, 2011, the governor of the State of Hawaii
20 hosted with the United States Department of Veterans Affairs, an
21 interagency leadership forum on homelessness attended by leaders
22 from government, business, the community, and the faith



1 community, to advocate for the development of a collaborative
2 strategy to end homelessness in Hawaii.

3 On June 22, 2010, the United States Interagency Council on
4 Homelessness, comprised of nineteen Cabinet Secretaries and
5 agency heads, released "*Opening Doors: Federal Strategic Plan*
6 *to Prevent and End Homelessness*", the nation's first
7 comprehensive strategic plan to prevent and end homelessness.

8 "*Opening Doors*" identified the following four ambitious
9 goals of finishing the job of ending chronic homelessness in
10 five years; preventing and ending homelessness among veterans in
11 five years; preventing and ending homelessness for families,
12 youth, and children in ten years; and setting a path to ending
13 all types of homelessness.

14 The governor of Hawaii has found it to be imperative and in
15 the public interest to capitalize on the opportunities and
16 momentum generated by the United States Interagency Council on
17 Homelessness, to provide leadership for the prevention and
18 elimination of homelessness, and to keep Hawaii at the forefront
19 of providing care to its residents in the spirit of the Law of
20 the Splintered Paddle (Ke Kānāwai Mamalahoe), Hawaii State
21 Constitution, Article IX, Section 10.



1 Consequently, on July 19, 2011, Governor Neil Abercrombie,
2 through the issuance of Executive Order No. 11-21, pursuant to
3 the provisions of section 26-41, Hawaii Revised Statutes,
4 temporarily established the Hawaii interagency council on
5 homelessness.

6 The purpose of this part is to establish the Hawaii
7 interagency council on homelessness by statute, which will
8 further enhance the ability of the council to provide solutions
9 for ending homelessness in Hawaii. By establishing the
10 interagency council on homelessness by statute the importance of
11 ending homelessness will be highlighted and continuity through
12 administrations is strengthened.

13 SECTION 25. Chapter 346, Hawaii Revised Statutes, is
14 amended by adding a new part to be appropriately designated and
15 to read as follows:

16 **"PART . HAWAII INTERAGENCY COUNCIL ON HOMELESSNESS**

17 **§346- Hawaii interagency council on homelessness;**
18 **establishment.** There is established the Hawaii interagency
19 council on homelessness, which shall be an advisory body exempt
20 from section 26-34. The Hawaii interagency council on
21 homelessness shall be placed within the department of human
22 services for administrative purposes.



- 1 The Hawaii interagency council on homelessness shall:
- 2 (1) Serve as the statewide homelessness planning and
- 3 policy development entity with broad representation
- 4 from state and county government and the community;
- 5 (2) Formulate and advise the governor on the
- 6 implementation of a unified ten-year, statewide plan
- 7 to address homelessness in all Hawaii counties;
- 8 (3) Facilitate the acquisition of funding and resources
- 9 for state and county homeless programs;
- 10 (4) Recommend policy, regulatory and statutory changes,
- 11 and identify resource strategies for the successful
- 12 execution of the ten-year plan;
- 13 (5) Assemble accurate fiscal and demographic information
- 14 to support policy development and track outcomes;
- 15 (6) Consider collaborative homelessness initiatives of
- 16 other states that have demonstrated positive
- 17 measurable outcomes as possible models for state and
- 18 local programs;
- 19 (7) Promote systems integration of social, health,
- 20 training, and housing services to reduce duplication
- 21 among homeless assistance programs;



1 (8) Advise on the development and implementation of a
2 public education program on homelessness in Hawaii and
3 disseminate information including data and best
4 practices; and

5 (9) Report annually to the governor, the legislature, and
6 the mayors on the progress of its activities,
7 including formulation and progress of the ten-year
8 plan.

9 The ten-year plan will be developed to assist individuals
10 who are homeless or facing homelessness; prioritize the needs of
11 the most vulnerable individuals and families; encourage and
12 promote partnerships between public and private entities to
13 identify, renovate, and secure dignified transitional, as well
14 as, permanent housing options; promote development and
15 utilization of support services including job training, mental
16 health, and substance abuse treatment that will enhance the
17 transition out of homelessness; increase access to public areas
18 for all members of the community; support efforts to obtain
19 accurate statistics on those who are homeless; and activate,
20 coordinate, and maintain responsive action among the public,
21 business, and faith-based communities to become part of the
22 homelessness solution strategy.



1 **§346- Membership.** The Hawaii interagency council on
2 homelessness shall be composed of the following members:

- 3 (1) Governor's coordinator on homelessness, who will serve
4 as chair;
- 5 (2) Director of human services or designee;
- 6 (3) Administrator of the homeless programs office of the
7 department of human services or designee;
- 8 (4) Director of health or designee;
- 9 (5) Director of labor and industrial relations or
10 designee;
- 11 (6) Director of public safety or designee;
- 12 (7) Director of business, economic development, and
13 tourism or designee;
- 14 (8) Adjutant general of the department of defense or
15 designee;
- 16 (9) Administrator of the office of Hawaiian affairs or
17 designee;
- 18 (10) Attorney general or designee;
- 19 (11) Superintendent of education or designee;
- 20 (12) One representative to be designated by the speaker of
21 the house of representatives;



- 1 (13) One senator to be designated by the president of the
- 2 senate;
- 3 (14) The mayor of each of each county or designee;
- 4 (15) A representative of the United States Department of
- 5 Veterans Affairs;
- 6 (16) A representative from the Office of Community Planning
- 7 and Development, United States Department of Housing
- 8 and Urban Development;
- 9 (17) A representative of the Continuum of Care Network of
- 10 the city and county of Honolulu;
- 11 (18) A representative of the Continuum of Care Network of
- 12 Maui, Kauai, and Hawaii counties;
- 13 (19) A representative of a faith-based organization with
- 14 interfaith relationships, to be designated by the
- 15 governor; and
- 16 (20) A representative of the business community, to be
- 17 designated by the governor.

18 The non-governmental members of the Hawaii interagency
19 council on homelessness shall serve without compensation but
20 shall be reimbursed for expenses, including travel expenses,
21 necessary for the performance of their duties.



1 In the event a Hawaii interagency council on homelessness
2 member is unable to attend a meeting, the member may appoint a
3 designee to attend and to act on the member's behalf during the
4 meeting.

5 **§346- Meetings.** The Hawaii interagency council on
6 homelessness shall meet quarterly, or more frequently as it
7 deems necessary.

8 A majority of the members of the Hawaii interagency council
9 on homelessness shall constitute a quorum to do business and to
10 validate any decision or act of the council."

11 SECTION 26. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so
13 much thereof as may be necessary for fiscal year 2012-2013 for
14 administrative expenses of the Hawaii interagency council on
15 homelessness.

16 The sum appropriated shall be expended by the department of
17 human services for the purposes of this part.

18 **PART VI**

19 SECTION 27. Chapter 346, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read as follows:



1 "§346- National Human Trafficking Resource Center
2 hotline; printable poster. (a) The department may make
3 available on its public website information on the National
4 Human Trafficking Resource Center hotline and an electronic
5 version of the National Human Trafficking Resource Center
6 hotline poster for establishments to print. The poster shall be
7 no smaller than eight and one-half inches by eleven inches in
8 size that states the following:

9 "If you or someone you know is being forced to engage in
10 any activity and cannot leave - whether it is commercial sex,
11 housework, farm work, or any other activity - call the National
12 Human Trafficking Resource Center hotline at 1-888-373-7888 to
13 access help and services.

14 Victims of human trafficking are protected under United
15 States and Hawaii law.

16 The hotline is:

- 17 (1) Available twenty-four hours a day, seven days a week;
- 18 (2) Toll-free;
- 19 (3) Operated by a nonprofit, non-governmental
20 organization;
- 21 (4) Anonymous and confidential;
- 22 (5) Accessible in one hundred-seventy languages; and



- 1 (2) One senate member to be selected by the senate
2 president;
- 3 (3) One house member to be selected by the speaker of the
4 house of representatives;
- 5 (4) Two representatives of human trafficking victims'
6 organizations; one to be selected by the senate
7 president and one to be selected by the speaker of the
8 house of representatives; and
- 9 (5) Two victims of human trafficking; one to be selected
10 by the senate president and one to be selected by the
11 speaker of the house of representatives.
- 12 (c) The task force shall create a state plan on the
13 coordination of services for survivors of human trafficking.
14 The activities of the task force shall include but not be
15 limited to:
- 16 (1) Gathering and disseminating information to law
17 enforcement agencies and the offices of the
18 prosecuting attorney in each county, the department of
19 the attorney general, the department of human
20 services, the office of community services, nonprofit
21 organizations, and the public on available services
22 for survivors of human trafficking. Services for



- 1 survivors of human trafficking shall include but not
2 be limited to:
- 3 (A) Case management;
 - 4 (B) Emergency temporary housing;
 - 5 (C) Health care;
 - 6 (D) Mental health counseling;
 - 7 (E) Drug addiction screening and treatment;
 - 8 (F) Language interpretation and translation services;
 - 9 (G) English language instruction;
 - 10 (H) Job training and placement assistance;
 - 11 (I) Post-employment services and job retention;
 - 12 (J) Transportation services; and
 - 13 (K) Services to assist the individual and any of the
14 individual's family members to establish
15 permanent residency in the State of Hawaii or
16 other localities in the United States;
- 17 (2) Identifying a single point of access for individuals
18 or organizations that need assistance or guidance in
19 navigating the processes and regulations of state
20 agencies to services for survivors of human
21 trafficking or projects that promote services for
22 survivors of human trafficking;



1 (3) Designating the department of human services as the
2 appropriate agency to provide services to income-
3 qualified, United States citizens and "qualified
4 immigrants" who are survivors of human trafficking and
5 the office of community services as the appropriate
6 agency to provide services to "disadvantaged, refugee,
7 and immigrant" survivors of human trafficking;

8 (4) Identifying a single executive department or a
9 division within a department to establish a program
10 for coordinating services for survivors of human
11 trafficking; and

12 (5) Proposing legislation and making recommendations to
13 the governor regarding human trafficking.

14 (d) The director of human services shall submit a report
15 of the task force's activities, including recommendations and
16 proposed legislation, if any, to the legislature no later than
17 twenty days prior to the convening of the regular session of
18 2014. The working group shall dissolve on June 30, 2014.

19 (e) For the purposes of this part, "survivor of human
20 trafficking" means a person:

21 (1) Who has had or now has the condition or status of debt
22 bondage, involuntary servitude, severe forms of



1 trafficking in persons, or sex trafficking, as those
2 terms are defined in title 22 United States Code
3 section 7102;

4 (2) Whose prostitution was promoted or advanced by any of
5 the means set forth in section 712-1202(1), Hawaii
6 Revised Statutes; or

7 (3) Who was subject to performing labor or services by any
8 of the means described in section 707-781(1), Hawaii
9 Revised Statutes.

10 (f) The members of the task force shall not receive
11 compensation for their services.

12 (g) No member shall be made subject to chapter 84, Hawaii
13 Revised Statutes, solely because of that member's participation
14 as a member of the task force.

15 **PART VIII**

16 SECTION 30. Section 346-332, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "(b) Community care foster family homes shall be required
19 to reserve at least one bed for medicaid patients[-]; provided
20 that if:



1 (1) A medicaid patient, who is the only medicaid patient
2 residing in the community care foster family home,
3 departs; and
4 (2) There is only one remaining private-pay client in the
5 community care foster family home and a physician who
6 is licensed to practice under chapter 453 has
7 certified to the department in a timely manner that
8 the removal of that private-pay client from the
9 community care foster family home may cause that
10 client to sustain transfer trauma,
11 then the department may not, for a period of at least six months
12 following the medicaid patient's departure, and on account of
13 the medicaid patient's departure, suspend or revoke the
14 certificate of approval issued to the community care foster
15 family home under section 346-334."

16 SECTION 31. Section 346-334, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "(b) The department shall adopt rules pursuant to chapter
19 91 relating to:

20 (1) Standards of conditions and competence for the
21 operation of community care foster family homes;



- 1 (2) Procedures for obtaining and renewing a certificate of
- 2 approval from the department;
- 3 (3) Minimum grievance procedures for clients of community
- 4 care foster family home services; and
- 5 (4) Requirements for primary and substitute caregivers
- 6 caring for three clients in community care foster
- 7 family homes including:
 - 8 (A) Mandating that primary [~~and substitute~~]
 - 9 caregivers be twenty-one years of age or
 - 10 older[+], and that substitute caregivers be
 - 11 eighteen 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 **PART IX**

13 SECTION 32. The department of human services shall
14 collaborate with the Healthcare Association of Hawaii, the
15 Hawaii Long Term Care Association, nursing facility providers,
16 and home- and community-based service providers, including adult
17 residential care homes and foster family homes, to develop a
18 revised methodology for determining the level of acuity of
19 nursing facility residents who are medicaid recipients,
20 including those with complex medical conditions, to set
21 reimbursements at levels that are fair and equitable. The
22 department of human services and the collaborating organizations



1 and providers shall submit to the legislature a joint report
2 containing recommendations and an implementation plan no later
3 than twenty days prior to the convening of the regular session
4 of 2013.

5 SECTION 33. The department of human services shall work
6 with the department of health to develop an equitable referral
7 system relating to the discharge of patients from hospitals,
8 nursing homes, and long-term care facilities based on the
9 patient's acuity level for proper placement in either an adult
10 residential care home, community care foster family home, or an
11 expanded adult residential care home.

12 **PART X**

13 SECTION 34. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 35. This Act shall take effect on July 1, 2012;
16 provided that part V shall be repealed on June 30, 2022.



Report Title:

Department of Human Services; Public Safety, Health, Education, and Welfare; Omnibus; Appropriation

Description:

Allows the department of human services to draw from other funds appropriated to the department of human services in the event the general assistance appropriation is insufficient to meet General Assistance benefits payments. Appropriates moneys from the general fund to maintain funding levels of programs for public welfare. Creates an unspecified amount of positions under the department of human services for the supplemental nutrition assistance program. Requires financial institutions to report suspected financial abuse of an elder to appropriate law enforcement. Establishes the Hawaii interagency council on homelessness, to be repealed on 6/30/2022. Authorizes the department of human services to place on its public website information and printable posters on the National Human Trafficking Resource Center hotline. Creates a task force on human trafficking and specifies members. Allows a community care foster family home to have six months to find another medicaid client when the community care foster family home loses its only medicaid client. Changes the minimum age requirement for nurse aide substitute caregivers to be consistent with federal law, which is eighteen years. Allows for a fair and equitable reimbursement system for all clients under the medicaid program for community based caregiver services. Allows for a fair and equitable referral system for clients transferring from hospitals to community based care homes.
(Proposed SD1)

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