

---

---

# 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 346-332, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

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

6 (1) A medicaid patient, who is the only medicaid patient  
7 residing in the community care foster family home,  
8 departs; and

9 (2) There is only one remaining private-pay client in the  
10 community care foster family home and a physician who  
11 is licensed to practice under chapter 453 has  
12 certified to the department in a timely manner that  
13 the removal of that private-pay client from the  
14 community care foster family home may cause that  
15 client to sustain transfer trauma,

16 then the department may not, for a period of at least six months  
17 following the medicaid patient's departure, and on account of  
18 the medicaid patient's departure, suspend or revoke the



1 certificate of approval issued to the community care foster  
2 family home under section 346-334."

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

5 "(b) The department shall adopt rules pursuant to chapter  
6 91 relating to:

- 7 (1) Standards of conditions and competence for the  
8 operation of community care foster family homes;
- 9 (2) Procedures for obtaining and renewing a certificate of  
10 approval from the department;
- 11 (3) Minimum grievance procedures for clients of community  
12 care foster family home services; and
- 13 (4) Requirements for primary and substitute caregivers  
14 caring for three clients in community care foster  
15 family homes including:
- 16 (A) Mandating that primary [~~and substitute~~]  
17 caregivers be twenty-one years of age or  
18 older[+], and that substitute caregivers be  
19 eighteen years of age or older;
- 20 (B) Mandating that primary and substitute caregivers  
21 complete a minimum of twelve hours of continuing  
22 education every twelve months or at least twenty-



1 four hours of continuing education every twenty-  
2 four months;

3 (C) Allowing the primary caregiver to be absent from  
4 the community care foster family home for no more  
5 than twenty-eight hours in a calendar week, not  
6 to exceed five hours per day; provided that the  
7 substitute caregiver is present in the community  
8 care foster family home during the primary  
9 caregiver's absence;

10 (D) Where the primary caregiver is absent from the  
11 community care foster family home in excess of  
12 the hours as prescribed in subparagraph (C),  
13 mandating that the substitute caregiver be a  
14 certified nurse aide; and

15 (E) Mandating that the substitute caregiver have, at  
16 a minimum, one year prior work experience as a  
17 caregiver in a community residential setting or  
18 in a medical facility."

19 SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

Medicaid Patient; Private-Pay Client; Community Care Foster Family Home

**Description:**

Allows a community care foster family home to remain open for at least another six months upon losing its only medicaid patient, if a physician, licensed in the State, certifies that removal of the remaining private-pay client may result in transfer trauma to the remaining private-pay client. Reduces the mandatory age of substitute caregivers to eighteen years or older from twenty-one years or older. Effective July 1, 2050. (HB2131 HD1)

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

