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# A BILL FOR AN ACT

RELATING TO MEDICAID.

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

1           SECTION 1. Independently performing activities of daily  
2 living can become more difficult for individuals as they age. A  
3 large portion of Hawaii's aging population is medicaid-eligible  
4 and find themselves in need of long-term care. Due to a  
5 shortage of care providers in Hawaii, the preference of the  
6 elderly to age in place with their families, and the high cost  
7 of long-term care, family caregiving has become more prevalent.  
8 However, family caregivers are often uncompensated for their  
9 services. According to a recent report by the AARP Public  
10 Policy Institute in Washington, D.C., Hawaii has one hundred  
11 sixty-nine thousand caregivers at any given time who provide  
12 unpaid assistance to elderly, chronically ill, or disabled  
13 family members or friends. The purpose of this Act is to allow  
14 medicaid recipients who receive long-term care the option of  
15 using medicaid funds to pay family members for in-home care  
16 services.



1 SECTION 2. Section 346D-1, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4 "Family member" means the waiver program individual's  
5 birth parents, adoptive parents or stepparents, siblings or  
6 stepsiblings, children or stepchildren, grandparents,  
7 grandchildren, niece, nephew, aunt, uncle, or spouse who is at  
8 least eighteen years of age."

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

11 "(b) The program shall provide the services in the most  
12 economic manner feasible which is compatible with preserving  
13 quality of care through:

14 (1) Informal care providers, such as family members,  
15 friends, or neighbors who regularly provide specific  
16 services without remuneration and not as a part of any  
17 organized volunteer activity;

18 (2) Family members hired and directed by the waiver  
19 program individual to provide specific approved in-  
20 home care services;



1       ~~[(2)]~~ (3) Individual providers hired and directed by the  
2                   waiver program individual to provide specific approved  
3                   services;

4       ~~[(3)]~~ (4) Contracts with agency providers, such as home  
5                   care agencies and public or private health and social  
6                   service organizations;

7       ~~[(4)]~~ (5) Contracts with individual providers, such as  
8                   counselors, nurses, therapists, and residential  
9                   alternative program operators who provide services for  
10                  the waiver program; and

11       ~~[(5)]~~ (6) Program personnel, such as social workers and  
12                  nurses who are hired by the waiver program to provide  
13                  specific services."

14       SECTION 4. It is the intent of this Act not to jeopardize  
15       the receipt of any federal aid. If any provision of this Act,  
16       or the application thereof to any person or circumstances, is  
17       found to be in conflict with federal requirements that are a  
18       prescribed condition for the allocation of federal funds to the  
19       State, the provision shall be deemed void; provided that the  
20       voided provision shall not affect other provisions or  
21       applications of the Act that can be given effect without the



1 voided provision or application, and to this end the provisions  
2 of this Act are severable.

3 SECTION 5. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on July 1, 2050;  
6 provided that on July 1, 2015, this Act shall be repealed and  
7 sections 346D-1 and 346D-4(b), Hawaii Revised Statutes, shall be  
8 reenacted in the form in which they read on the day prior to the  
9 effective date of this Act.



**Report Title:**

Medicaid Home and Community-Based Waiver Programs; Family Member

**Description:**

Requires medicaid home and community-based waiver programs to allow family members hired and directed by the waiver program individual to provide specific approved in-home care services to the individual. Effective July 1, 2050. (HB2189 HD1)

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

