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



1 the 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. Act 221, Session Laws of Hawaii 2011, is
20 amended by amending section 5 to read as follows:

21 "SECTION 5. This Act shall take effect on July 1, 2011[+
22 ~~provided that on June 30, 2013, this Act shall be repealed and~~



1 ~~sections 346-331 and 346-334, Hawaii Revised Statutes, shall be~~
2 ~~reenacted in the form in which they read on the day prior to the~~
3 ~~effective date of this Act]."~~

4 SECTION 4. Section 2 of Act 93, Session Laws of Hawaii
5 2012, is amended as follows:

6 1. By adding a new section to be appropriately designated
7 and to read:

8 "§321- Community care foster family homes; medicaid
9 patients. Community care foster family homes shall be required
10 to reserve at least one bed for medicaid patients; provided that
11 if:

12 (1) A medicaid patient, who is the only medicaid patient
13 residing in the community care foster family home,
14 departs; and

15 (2) There is only one remaining private-pay client in the
16 community care foster family home and a physician who
17 is licensed to practice under chapter 453 has
18 certified to the department in a timely manner that
19 the removal of that private-pay client from the
20 community care foster family home may cause that
21 client to sustain transfer trauma,



1 then the department may not, for a period of at least six months
2 following the medicaid patient's departure, and on account of
3 the medicaid patient's departure, suspend or revoke the
4 certificate of approval issued to the community care foster
5 family home under section 321-C."

6 2. By amending subsection (b) of section 321-C to read:

7 "(b) The department shall adopt rules pursuant to chapter
8 91 relating to:

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



- 1 (B) Mandating that primary and substitute caregivers
2 complete a minimum of twelve hours of continuing
3 education every twelve months or at least twenty-
4 four hours of continuing education every twenty-
5 four months;
- 6 (C) Allowing the primary caregiver to be absent from
7 the community care foster family home for no more
8 than twenty-eight hours in a calendar week, not
9 to exceed five hours per day; provided that the
10 substitute caregiver is present in the community
11 care foster family home during the primary
12 caregiver's absence;
- 13 (D) Where the primary caregiver is absent from the
14 community care foster family home in excess of
15 the hours as prescribed in subparagraph (C),
16 mandating that the substitute caregiver be a
17 certified nurse aide; and
- 18 (E) Mandating that the substitute caregiver have, at
19 a minimum, one year prior work experience as a
20 caregiver in a community residential setting or
21 in a medical facility."



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect on June 29, 2013.
4

INTRODUCED BY:

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JAN 18 2013



H.B. NO. 265

Report Title:

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

Description:

Allows a community care foster family home to remain open temporarily upon losing its only medicaid patient provided certain requirements are met. Reduces the mandatory age of substitute caregivers under the jurisdiction of the Department of Human Services and the Department of Health upon consolidation. Effective June 29, 2013.

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

