
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that there is an ever-
2 increasing need for community care foster family homes to
3 support the health and long-term care needs of an aging
4 population and their families. Community care foster family
5 homes provide an essential function in the State by providing
6 twenty-four-hour living accommodations, which include housing,
7 supervision, personal care, and assistance with daily living
8 activities for their residents. These homes provide individuals
9 who are at a nursing facility level of care with living
10 accommodations in a family-like setting, an alternative to
11 living in an institutional setting.

12 Most community care foster family homes are licensed to
13 provide accommodations and services to not more than two adults
14 at any one time, at least one of whom is a medicaid recipient,
15 and both of whom require nursing facility level of care. The
16 department of health may certify a community care foster family



1 home for a third adult who is at the nursing level of care and a
2 medicaid recipient, provided that certain requirements are met.

3 The legislature further finds that not only do medicaid
4 clients have limited options for long-term care, but so do
5 individuals who do not rely on medicaid for long-term care.
6 Besides providing accommodations to medicaid recipients,
7 community care foster family homes also provide accommodations
8 to private-pay individuals. There is also a recognized need to
9 accommodate private-pay individuals who share a long-term
10 relationship. As the cost of medical care continues to rise, it
11 is becoming apparent that even many who do not rely on medicaid
12 for their long-term care cannot afford the cost of private care,
13 leaving this population, also, with limited options.

14 Adult residential care homes and expanded adult residential
15 care homes are facilities that provide full-time living
16 accommodations for adults who require at least minimal
17 assistance in the activities of daily living, personal care
18 services, protection, and health care services, and, depending
19 on the type of facility, may or may not need the professional
20 health services provided in an intermediate or skilled nursing
21 facility. These types of care facilities may, but are not



1 required to, admit medicaid recipients. These homes may provide
2 additional care options for adults who require twenty-four hour
3 assistance and wish to remain in a community, as opposed to
4 institutional, setting.

5 The purpose of this Act is to recognize the varied needs of
6 the State's aging population by requiring:

- 7 (1) The department of health, working with the department
8 of human services, to establish a pilot program to
9 permit two private-pay individuals to be cared for in
10 the same community care foster family home, subject to
11 certain qualifying conditions; and
- 12 (2) The department of human services to examine the
13 effects of requiring adult residential care homes and
14 expanded adult residential care homes to accept
15 medicaid recipients to reside in their homes.

16 SECTION 2. (a) The department of health, working with the
17 department of human services, shall establish a pilot program to
18 permit two private-pay individuals to be cared for in the same
19 community care foster family home if the community care foster
20 family home meets the definition of "community care foster



1 family home" under section 321-481, Hawaii Revised Statutes,
2 and:

3 (1) The community care foster family home is certified for
4 three beds;

5 (2) The operator of the three-bed community care foster
6 family home immediately notifies the department of
7 health or its designee of any vacancy in writing; and

8 (3) The two private-pay clients in the three-bed community
9 care foster family home are in a relationship with
10 each other as a married or civil union couple.

11 (b) The department of health, working with the department
12 of human services, shall develop qualification and eligibility
13 requirements, and a process for determining a limited number of
14 certified three-bed community care foster family homes that
15 qualify for having two-private pay clients reside in their
16 respective facilities; provided that the number of private-pay
17 individuals who fill the vacancy of a third bed in a community
18 care foster family home under the pilot program shall total from
19 five to ten private-pay residents.

20 (c) Each operator of a three-bed community care foster
21 family home who qualifies for this pilot program shall have two



1 years from the time of accepting its first private-pay patient
2 to occupy a third bed in the community care foster family home
3 to accept any subsequent private-pay individual to occupy the
4 third bed in the home.

5 (d) The department of health shall implement the pilot
6 program so that a community care foster family home operator may
7 apply for this pilot program three to six months after the
8 enactment of this Act.

9 (e) The pilot program shall terminate two years after the
10 date that the last community care foster family home admits its
11 initial private-pay individual under the pilot program; provided
12 that no individual admitted under the pilot program shall be
13 required to move out of the community care foster family home
14 after termination of the pilot program because of the
15 individual's status as a private-pay individual.

16 (f) The department of health shall submit a report of the
17 progress made to implement the pilot program under this Act, to
18 the legislature no later than twenty days prior to the convening
19 on the regular session of 2017. The report shall also include
20 the impact of the pilot program on the availability of space for



1 medicaid clients in community care foster family homes and other
2 home and community service facilities.

3 SECTION 3. (a) The department of human services shall
4 examine the projected or potential effect of requiring adult
5 residential care homes and expanded adult residential care homes
6 to accept qualified medicaid recipients to reside in their
7 homes, including the projected impact of this requirement on
8 other home and community service facilities that provide
9 alternatives to institutional care.

10 (b) The department of human services shall submit a report
11 of its findings and recommendations, including any proposed
12 legislation, to the legislature no later than twenty days prior
13 to the convening of the regular session of 2017.

14 SECTION 4. It is the intent of this Act not to jeopardize
15 the receipt of any federal aid. If this Act is found to be in
16 conflict with federal requirements that are a prescribed
17 condition for the allocation of federal funds to the State, this
18 Act shall be deemed void.

19 SECTION 5. This Act shall take effect on July 1, 2070.



Report Title:

Alternatives to Institutional Care; Pilot Program; Study;
Medicaid

Description:

Requires the Department of Health to establish a pilot program to permit two private-pay individuals to be cared for in the same community care foster family home, subject to certain conditions. Requires the Department of Human Services to examine the projected effects of requiring adult residential care homes and expanded adult residential care homes to accept Medicaid recipients to reside in their homes. (HB2005 HD2)

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

