



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 6, 2017

GOV. MSG. NO. 1203

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 6, 2017, the following bill was signed into law:

HB607 HD1 SD2 CD1

RELATING TO KUPUNA CARE
ACT 102 (17)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO KUPUNA CARE.

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

1 SECTION 1. The legislature finds that the State must find
2 new ways to accommodate a broader range of home- and community-
3 based long-term care options for Hawaii's rapidly growing
4 elderly population. According to 2015 population data from the
5 department of business, economic development, and tourism, there
6 are 236,914 persons, or 16.5 per cent of the population, 65
7 years and older in Hawaii. The percentage of this population is
8 projected to rise to 19.4 per cent by 2020 and 23 per cent by
9 2030.

10 The legislature further finds that family caregivers play a
11 major role in the State's health care system by providing long-
12 term care to the elderly. According to AARP, there are 154,000
13 unpaid family caregivers in Hawaii, with the average caregiver
14 being a 62-year-old married woman who cares for an elderly
15 parent or husband while still working. Caregiving for an
16 elderly family member takes a toll on caregivers, and care
17 recipients often worry they will become a burden on family



1 members. Numerous studies show that caregivers report higher
2 levels of psychological distress, and caring for elderly family
3 members over extended periods of time without compensation can
4 lead to chronic stress. In some instances, adult children who
5 work on the mainland may have to return to Hawaii to live and
6 abandon their careers in the process, to care for their parents
7 at home because it is the only alternative to expensive
8 institutional care. If children already live in Hawaii, they
9 often have to quit their jobs to stay home to care for aging
10 parents, which may result in financial disaster for the family
11 and a loss of tax revenue for the State. While caregivers play
12 a critical role in helping others, it is imperative that
13 caregivers take care of themselves and have the necessary
14 support and services to sustain their own health as well as the
15 health of the family member for whom they are caring.

16 The purpose of this Act is to:

- 17 (1) Authorize the executive office on aging to establish
18 the kupuna caregivers program to assist community
19 members in obtaining care for elders while remaining
20 in the workforce;



1 (2) Clarify which kupuna services and supports under the
2 kupuna care program shall be provided by area agencies
3 within the kupuna care program; and

4 (3) Appropriate funds for the establishment and
5 implementation of the kupuna caregivers program.

6 SECTION 2. Chapter 349, Hawaii Revised Statutes, is
7 amended by adding two new sections to part II to be
8 appropriately designated and to read as follows:

9 "§349-A Definitions. Unless the context clearly requires
10 a different meaning, when used in this part:

11 "Activities of daily living" means the following activities
12 that individuals perform as a part of daily living: eating,
13 dressing, bathing, toileting, transferring in and out of a bed
14 or chair, and walking.

15 "Adult day care" means personal care for dependent elders
16 in a supervised, protective, and congregate setting during some
17 portion of a day. Services offered in conjunction with adult
18 day care include social and recreational activities, training,
19 and counseling.

20 "Aging and disability resource centers" means an entity
21 established by the State as part of the state system of long-



1 term care, serving as a highly visible and trusted source where
2 people of all incomes and ages can get information on the full
3 range of long-term support options, and a single point of entry
4 for access to public long-term support programs and benefits.

5 "Area agency on aging" means an agency designated by the
6 executive office on aging to develop and administer the area
7 plan for a comprehensive and coordinated system of aging
8 services.

9 "Assisted transportation" means assistance and
10 transportation, including escort, for a person who has cognitive
11 or physical difficulties using regular vehicular transportation.

12 "Attendant care" means stand-by assistance, supervision, or
13 cues, including verbal prompts for medication, bathing, eating,
14 grooming, and dressing, and may include other activities to help
15 maintain the independence of an individual at home. "Attendant
16 care" does not include physical contact in support, including
17 but not limited to weight-bearing assistance with transfers,
18 washing, bathing, and dressing.

19 "Care coordination" means a person-centered, assessment-
20 based, interdisciplinary approach to integrating health care and



1 social support services that are tailored to an individual's
2 needs and goals across all care services.

3 "Care recipient" means an individual who:

4 (1) Is a citizen of the United States or a qualified
5 alien; provided that for the purposes of this
6 paragraph, "qualified alien" means a lawfully admitted
7 permanent resident under the Immigration and
8 Nationality Act;

9 (2) Is sixty years of age or older;

10 (3) Is not covered by any comparable government or private
11 home- and community-based care service, except or
12 excluding kupuna care services;

13 (4) Does not reside in a long-term care facility, such as
14 an intermediate care facility, assisted living
15 facility, skilled nursing facility, hospital, foster
16 family home, community care foster family home, adult
17 residential care home, or expanded adult residential
18 care home; and

19 (5) Has impairments of at least:

20 (A) Two activities of daily living;

21 (B) Two instrumental activities of daily living;



1 (C) One activity of daily living and one instrumental
2 activity of daily living; or

3 (D) Substantive cognitive impairment requiring
4 substantial supervision because the individual
5 behaves in a manner that poses a serious health
6 or safety hazard to the individual or another
7 person.

8 "Case management" means assistance either in the form of
9 access or care coordination in circumstances where an individual
10 is experiencing diminished functioning capacities, personal
11 conditions, or other characteristics that require the provision
12 of services by formal service providers or family caregivers.
13 Activities of case management may include assessing needs,
14 developing care plans, authorizing and coordinating services
15 among providers, and providing follow-up and reassessment, as
16 required.

17 "Chore" means assistance such as heavy housework, yard
18 work, or sidewalk maintenance for a person.

19 "Coach" means an individual who:

20 (1) Helps the care recipient understand the program of
21 participant-directed services and support;



1 (2) Develops and implements a spending plan to describe
2 how the care recipient will spend the care recipient's
3 budget; and

4 (3) Evaluates whether the participant-directed service and
5 support program is meeting the care recipient's needs.

6 "Family caregivers" means a spouse, adult child, other
7 relative, partner, or friend who has a personal relationship
8 with, and provides a broad range of unpaid assistance for an
9 older adult with a chronic or disabling condition.

10 "Home-delivered meals" means a meal provided to a care
11 recipient in the care recipient's place of residence; provided
12 that the meal is served in a program administered by the
13 executive office on aging or an area agency on aging and meets
14 all of the requirements of the Older Americans Act of 1965, as
15 amended, and all state and local laws.

16 "Homemaker services" means assistance with preparing meals,
17 shopping for personal items, managing money, using the
18 telephone, or performing light housework.

19 "Instrumental activities of daily living" means the
20 following instrumental activities that individuals perform as a
21 part of daily living: preparing meals, shopping for personal



1 items, medication management, managing money, using the
2 telephone, performing light housework, performing heavy
3 housework, and making use of available transportation.

4 "Kupuna care core services" means services consisting of:

- 5 (1) Adult day care;
- 6 (2) Attendant care;
- 7 (3) Case management;
- 8 (4) Chores;
- 9 (5) Homemaker services;
- 10 (6) Home-delivered meals;
- 11 (7) Personal care;
- 12 (8) Transportation; or
- 13 (9) Assisted transportation.

14 "Personal care" means personal assistance, stand-by
15 assistance, supervision, or cues.

16 "Person-centered planning" means a process, directed by the
17 care recipient, intended to identify the strengths, capacities,
18 preferences, needs, and desired outcomes of the care recipient.

19 "Person-centered support plan" or "support plan" means a
20 plan developed by a care recipient with the assistance of a
21 coach that allows the care recipient to establish the goals,



1 skills, and knowledge necessary to work toward the desired
2 outcomes and lays out practical steps toward the achievement of
3 the goals; provided that family members and friends may provide
4 assistance in developing a care recipient's plan if the care
5 recipient chooses to include them.

6 "Qualified caregiver" means an individual who meets the
7 following requirements:

- 8 (1) Provides care for a care recipient; and
- 9 (2) Is employed at least thirty hours per week by one or
10 more employers.

11 "Respite care" means services that offer temporary,
12 substitute supports, or living arrangements for care recipients
13 to provide a brief period of rest to qualified caregivers.

14 "Respite care" includes:

- 15 (1) In-home respite (personal care, homemaker services,
16 and other in-home respite);
- 17 (2) Respite provided by attendance of the care recipient
18 at a nonresidential program;
- 19 (3) Institutional respite provided by placing the care
20 recipient in an institutional setting such as a



1 nursing home for a short period of time as a respite
2 service to the caregiver; and

3 (4) Any combination of services to assist the caregiver as
4 deemed appropriate by the area agency on aging.

5 "Service provider" means an entity that has all required
6 licenses or certificates, and is registered as a business entity
7 in the State.

8 "Transportation" means transportation from one location to
9 another with a vehicle and does not include any other activity.

10 §349-B Kupuna caregivers program. (a) The executive
11 office on aging may establish the kupuna caregivers program.
12 The program shall provide assistance to a qualified caregiver
13 who meets the requirements of this section.

14 (b) The program shall be coordinated and administered by
15 the executive office on aging and implemented through the area
16 agency on aging.

17 (c) The kupuna caregivers program shall award an
18 allocation of funds, subject to the availability of funding and
19 up to a maximum of \$70 per day, to cover costs for the following
20 services that would otherwise be performed by the qualified
21 caregiver for the care recipient:



- 1 (1) Adult day care;
- 2 (2) Assisted transportation;
- 3 (3) Chores;
- 4 (4) Home-delivered meals;
- 5 (5) Homemaker services;
- 6 (6) Personal care;
- 7 (7) Respite care; or
- 8 (8) Transportation;

9 provided that the allocated funds shall be issued directly to
 10 the service provider upon request and receipt of an invoice for
 11 services rendered.

12 (d) The director may adopt rules pursuant to chapter 91
 13 necessary for the purposes of this section."

14 SECTION 3. Chapter 349, Hawaii Revised Statutes, part II,
 15 is amended by amending its title to read as follows:

16 "[+]PART II. [+] KUPUNA CARE AND CAREGIVER SUPPORT SERVICES"

17 SECTION 4. Section 349-3.1, Hawaii Revised Statutes, shall
 18 be appropriately renumbered and included in part II of chapter
 19 349, Hawaii Revised Statutes, and amended to read as follows:

20 "~~[-§349-3.1-]~~ §349- Kupuna care program. (a) The
 21 executive office on aging may establish the kupuna care program.



1 The program shall provide [~~affordable and quality home and~~
2 ~~community based services.~~] long-term services and supports to
3 address the needs of Hawaii's older adults and their desire to
4 remain in their own homes and communities as they age.

5 (b) The program [~~may be provided in every county as a~~
6 ~~function of the aging and disability resource centers.~~] shall be
7 coordinated and administered by the executive office on aging
8 and implemented through the area agencies on aging.

9 (c) The kupuna care program shall be delivered through two
10 distinct service options: traditional service delivery or
11 participant-directed services and support, based on an
12 individual support plan for each eligible care recipient;
13 provided that:

14 (1) Traditional service delivery shall be a service
15 provider organization or person who provides services
16 to clients under a formal contractual arrangement with
17 the executive office on aging or area agency on aging
18 who shall deliver to each care recipient one or more
19 kupuna care core services to address the care
20 recipient's specific needs that have been identified



1 in the care recipient's person-centered support plan;
2 and
3 (2) Participant-directed services and support shall
4 address the care recipient's assessed needs that have
5 been identified through the person-centered planning
6 process and documented in the support plan.
7 Participant-directed services and support shall
8 consist of long-term services and supports that a care
9 recipient uses to maintain independence in the
10 community, in which the care recipient determines what
11 mix of services and support will address the care
12 recipient's needs. The care recipient shall have
13 decision-making authority over the care recipient's
14 budgeted dollar amount to purchase and manage the
15 needed services and supports based upon the care
16 recipient's person-centered support plan.
17 Participant-directed services and support shall
18 provide the care recipient with a coach to assist the
19 care recipient with using the services and support in
20 a manner that best supports the care recipient's



1 ability to maintain independence and enable a quality
2 living experience in the community.

3 (d) To qualify for the kupuna care program, an individual
4 shall be a care recipient as defined in section 349-A.

5 (e) An area agency on aging, through the aging and
6 disability resource center or other entity designated by the
7 executive office on aging, shall conduct an intake and
8 assessment of individuals seeking long-term services and
9 supports to determine eligibility for the program. The intake
10 and assessment shall include the following:

11 (1) A statewide uniform intake process developed with and
12 adopted by the executive office on aging to
13 preliminarily determine eligibility for publicly
14 funded services and supports, including kupuna care
15 services; and

16 (2) An assessment of the eligible care recipient utilizing
17 a statewide, uniform comprehensive in-home assessment,
18 if necessary. Upon completion of the in-home
19 assessment, the care recipient develops a written
20 individualized person-centered support plan with:



1 (A) The assistance of a coach in the preparation of
2 the support plan; and

3 (B) Participation from family, friends, and others,
4 if the care recipient desires such additional
5 assistance.

6 The support plan identifies all the services and
7 supports needed or currently used to meet the care
8 recipient's needs, both formal and informal, including
9 those provided by other programs such as medicaid or
10 private paid programs. The plan shall be reviewed
11 with the care recipient to confirm that it is the plan
12 the care recipient desires.

13 (f) An area agency on aging shall use the assessment data
14 and individual's support plan to confirm kupuna care program
15 eligibility, then authorize and coordinate services and
16 supports. An area agency on aging shall directly authorize and
17 allot kupuna care services, and shall not delegate the service
18 authorization function to its subcontractors.

19 (g) An individual shall be determined to be ineligible for
20 kupuna care services when:



- 1 (1) An individual does not meet the eligibility
- 2 requirements specified;
- 3 (2) An individual need is not substantiated through an in-
- 4 home assessment;
- 5 (3) An individual leaves the State or the individual's
- 6 whereabouts are unknown; or
- 7 (4) An individual refuses services.
- 8 (h) An area agency on aging shall provide an individual
- 9 with written notice of the disposition of the request for kupuna
- 10 care services.
- 11 (i) An individual who has been determined ineligible for
- 12 kupuna care services shall have the opportunity to appeal the
- 13 decision to the director of the executive office on aging within
- 14 ninety days after the date of notice of the area agency on
- 15 aging's written disposition. The director of the executive
- 16 office on aging's decision on the appeal shall be issued in
- 17 writing and shall be final.
- 18 (j) Prior to termination of kupuna care services, service
- 19 providers shall notify the appropriate contracting area agency
- 20 on aging of the date and reason for termination. Termination of
- 21 kupuna care services may occur if the care recipient:



- 1 (1) Moves and the provider is unable to locate the care
2 recipient;
- 3 (2) Is transferred to another area agency on aging;
- 4 (3) Dies;
- 5 (4) No longer needs or wants kupuna care services and
6 supports, or no longer needs or wants a particular
7 kupuna care service or support;
- 8 (5) Is uncooperative with the service provider;
- 9 (6) Is noncompliant with the basic requirements of the
10 program;
- 11 (7) Engages in behavior that threatens or demonstrates
12 violence toward the service provider;
- 13 (8) Is placed or resides in a long-term care facility,
14 such as an intermediate care facility, assisted living
15 facility, skilled nursing facility, hospital,
16 community care foster care home, foster family home,
17 adult residential care home, or expanded adult
18 residential care home;
- 19 (9) Uses comparable services from other programs; or
- 20 (10) Has a communicable disease that threatens the safety
21 and welfare of the service provider.



1 (k) All area agencies on aging shall record all consumer
2 data, assessments, and service delivery within a statewide
3 consolidated database.

4 [~~(e)~~ ~~As used in this section, unless the context otherwise~~
5 ~~requires:~~

6 ~~"Aging and disability resource centers" means an entity~~
7 ~~established by the State as part of the state system of long-~~
8 ~~term care, serving as a highly visible and trusted source where~~
9 ~~people of all incomes and ages can get information on the full~~
10 ~~range of long term support options, and a single point of entry~~
11 ~~for access to public long term support programs and benefits.~~

12 ~~"Family caregivers" means a spouse, adult child, other~~
13 ~~relative, partner, or friend who has a personal relationship~~
14 ~~with, and provides a broad range of unpaid assistance for an~~
15 ~~elder adult with a chronic or disabling condition.~~

16 ~~(d)]~~ (1) The director [shall] may adopt rules pursuant to
17 chapter 91 necessary for the purposes of this section."

18 SECTION 5. Until rules pertaining to the kupuna caregivers
19 program are adopted by the director of health, should the
20 director of health choose to do so, the existing rules



1 pertaining to the kupuna care program may be used as guidance,
2 when appropriate, for the kupuna caregivers program.

3 SECTION 6. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$600,000 or so much
5 thereof as may be necessary for fiscal year 2017-2018 for the
6 establishment and implementation of the kupuna caregivers
7 program.

8 The sum appropriated shall be expended by the executive
9 office on aging for the purposes of this Act.

10 SECTION 7. In codifying the new sections added by section
11 2 of this Act, the revisor of statutes shall substitute
12 appropriate section numbers for the letters used in designating
13 the new sections in this Act.

14 SECTION 8. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 9. This Act shall take effect on July 1, 2017.

APPROVED this 6 day of JUL , 2017



GOVERNOR OF THE STATE OF HAWAII

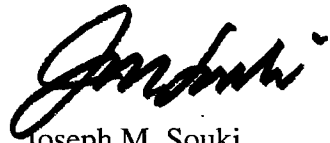


HB No. 607, HD 1, SD 2, CD 1

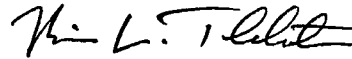
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki
Speaker
House of Representatives



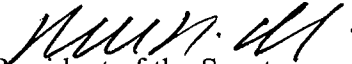
Brian L. Takeshita
Chief Clerk
House of Representatives


H.B. No. 607, H.D. 1, S.D. 2, C.D. 1

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.


President of the Senate


Clerk of the Senate