
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. 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 families. Community care foster family homes
5 provide an essential function in the State by providing twenty-
6 four-hour living accommodations, which includes 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 Community care foster family homes are licensed to provide
13 accommodations and services to not more than two adults at any
14 one time, at least one of whom shall be a medicaid recipient,
15 who are at the nursing facility level of care. The department
16 of health may certify a community care foster family home for a



1 third adult who is at the nursing level of care and a medicaid
2 recipient, provided 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 those 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 The purpose of this Act is to recognize the varied needs of
15 the State's aging population by allowing the department of
16 health flexibility to include two private-pay individuals to be
17 cared for in the same community care foster family home,
18 provided they meet certain qualifying conditions.

19 SECTION 2. Section 321-481, Hawaii Revised Statutes, is
20 amended by amending the definition of "community care foster
21 family home" or "home" to read as follows:



1 "Community care foster family home" or "home" means a home
2 that:

- 3 (1) Is regulated by the department in accordance with
4 rules that are equitable in relation to rules that
5 govern expanded adult residential care homes;
- 6 (2) Is issued a certificate of approval by the department
7 or its designee to provide, for a fee, twenty-four-
8 hour living accommodations, including personal care
9 and homemaker services, for not more than two adults
10 at any one time, at least one of whom shall be a
11 medicaid recipient, who are at the nursing facility
12 level of care, who are unrelated to the foster family,
13 and who are receiving the services of a licensed home
14 and community-based case management agency; provided
15 that ~~the~~:

16 (A) The department, in its discretion, may certify a
17 home for a third adult who is at the nursing
18 facility level of care and is a medicaid
19 recipient; provided further that ~~the~~:

20 ~~[(A) Home]~~ (i) The home has been certified and in operation
21 for not less than one year;



1 [~~(B)~~ Primary] (ii) The primary caregiver is a certified nurse
2 aide, as defined in section 457A-1.5, who
3 has completed a state-approved training
4 program and other training as required by
5 the department; and

6 [~~(C)~~ Substitute] (iii) The substitute caregiver is a nurse
7 aide, as defined in section 457A-1.5, who
8 has completed a state-approved training
9 program and other training as required by
10 the department; and

11 (B) The department, in its discretion, may allow two
12 private-pay individuals to be cared for in the
13 same community care foster family home if all of
14 the following are met:

15 (i) The community care foster family home is
16 certified for three beds;

17 (ii) The operator of the three-bed community care
18 foster family home has a vacancy for at
19 least six months; provided that the operator
20 shall not transfer out a medicaid client



1 from the community care foster family home
2 in order to accept a private-pay client;

3 (iii) The two private-pay clients are in a
4 relationship with each other as a married
5 couple or in a civil union;

6 (iv) A licensed physician certifies that it would
7 not be in the best interest to transfer the
8 current private-pay client to another long-
9 term healthcare facility due to, but not
10 limited to, transfer trauma; and

11 (v) The department, pursuant to a licensed
12 physician's recommendation, finds that the
13 community care foster family home can
14 provide sufficient healthcare for the
15 incoming private-pay client, without
16 jeopardizing care for the current clients;
17 and

18 (3) Does not include expanded adult residential care homes
19 or assisted living facilities."

20 SECTION 3. The department of health shall submit a report
21 of its findings and recommendations to the legislature no later



1 than twenty days prior to the convening of the regular session
2 of 2018 on the authorization to allow two private-pay
3 individuals to be cared for in the same community care foster
4 family home as provided under this Act, including its impact on
5 the availability of space for medicaid clients.

6 SECTION 4. It is the intent of this Act not to jeopardize
7 the receipt of any federal aid. If this Act is found to be in
8 conflict with federal requirements that are a prescribed
9 condition for the allocation of federal funds to the State, this
10 Act shall be deemed void.

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect upon its approval.
14

INTRODUCED BY:

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H.B. NO. 1396

Report Title:

Community Care Foster Family Homes; Private-Pay Clients;
Medicaid Clients

Description:

Authorizes the Department of Health to allow two private-pay individuals to be cared for in the same community care foster family home if certain requirements are met.

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