

Honolulu, Hawaii

FEB 10 2017

RE: S.B. No. 534
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Human Services, to which was referred S.B. No. 534 entitled:

"A BILL FOR AN ACT RELATING TO KUPUNA CARE,"

beg leave to report as follows:

The purpose and intent of this measure is to accommodate Hawaii's rapidly growing elderly population and their caregivers by:

- (1) Requiring the Executive Office on Aging to establish the Kupuna Caregivers Program to assist community members in obtaining care for elders while remaining in the workforce;
- (2) Clarifying the kupuna services and supports provided by Area Agencies on Aging within the Kupuna Care Program and making establishment of the Kupuna Care Program mandatory; and
- (3) Appropriating funds for the establishment and implementation of the Kupuna Caregivers Program.

Your Committees received testimony in support of this measure from the Executive Office on Aging; Office of Hawaiian Affairs; Hawaii State Commission on the Status of Women; Hawaii Public Health Association; Healthcare Association of Hawaii; Hawaii Family Caregiver Coalition; Native Hawaiian Health Task Force; Maui County Office on Aging; Alzheimer's Association, Aloha



Chapter; American Association of University Women, Hawaii; Caring Across Generations; American Congress of Obstetricians and Gynecologists, Hawaii Section; Mental Health America of Hawai'i; AARP Hawaii; Paraprofessional Healthcare Institute; Faith Action for Community Equity; Hagadone Printing; Hawai'i Pacific Health; International Longshore and Warehouse Union Local 142 Hawaii; and forty-one individuals.

Your Committees find that Hawaii's aging population continues to grow, and along with it the need for long-term services and supports becomes more critical. The State's population of individuals age sixty-five and older is projected to rise to 19.4 percent of the population by 2020 and twenty-three percent of the population by 2030.

Your Committees further find that family caregivers play a vital role in the State's healthcare system by providing long-term care to kupuna. Hawaii's family caregivers are invaluable, yet caregiving places burdens on families financially, emotionally, and physically; over time, these burdens can lead to chronic stress. It is common for children to return home to care for their aging parents and caregivers to abandon careers in the process and make other sacrifices because often the only alternative is expensive institutional care. Your Committees note the large amount of supportive testimony for this measure, and the overwhelming consensus from the community that family caregivers need support and respite in order to continue the critical role they play in helping others and the State by caring for Hawaii's seniors.

Your Committees have amended this measure by:

- (1) Adding language to the definition of "care recipient" indicating that a "care recipient" under the Kupuna Caregivers Program does not include individuals covered by any comparable government or private home and community based care services;
- (2) Inserting language clarifying that traditional service delivery of kupuna care services and supports shall be through a service provider organization or person who provides services to clients under a formal contractual arrangement with the Executive Office on Aging or Area Agency on Aging;



- (3) Removing references to Kupuna Care Program's person-centered planning being the Executive Office on Aging's process and inserting language requiring that a participant's assessed needs that have been identified through the person-centered process be documented in the support plan;
- (4) Inserting language establishing that to qualify for the Kupuna Care Program an individual shall not be covered by any comparable government or private home and community based care services;
- (5) Inserting language clarifying that to qualify for the Kupuna Care Program an individual shall not reside in any assisted living facility, including all care programs of assisted living;
- (6) Inserting language to provide details about the assessment process for kupuna care services, including that upon completion of the in-home assessment, the individual shall develop a written, individualized person-centered support plan that identifies all of the services and supports needed or currently used to meet the individual's needs, and that the plan shall be reviewed with the individual;
- (7) Inserting a provision requiring Area Agencies on Aging to directly authorize and allot kupuna care services and prohibiting the agencies from delegating the service authorization function to any subcontractors;
- (8) Inserting language to establish that individuals shall be ineligible for kupuna care services when they do not meet specified eligibility requirements, their need is not substantiated through an in-home assessment, they leave the State or their whereabouts are unknown, or they refuse services;
- (9) Inserting provisions requiring Area Agencies on Aging to provide written notice of the disposition of requests for kupuna care services and allowing individuals who have been determined to be ineligible for kupuna care services the opportunity to appeal the disposition to the Director of the Executive Office on Aging within ninety days;

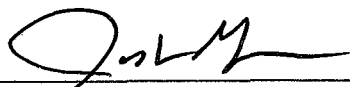


- (10) Clarifying and amending various definitions used for services provided through the Kupuna Caregivers Program, Kupuna Care Program, or both, including but not limited to the following amendments:
- (A) Inserting language to clarify that the definition of "adult day care" or "adult day health" under the Kupuna Care Program means personal care for dependent elders and typically includes social and recreational activities, training, counseling, and services such as rehabilitation, medication assistance, and home health aide services for adult day health;
 - (B) Replacing the kupuna care core service of nutrition and meal delivery with home delivered meals and defining "home delivered meals" as a meal provided to a qualified individual in the individual's place of residence; provided that the meal is served in a program administered by the state unit on aging or an Area Agency on Aging and meets all of the requirements of the Older Americans Act of 1965 as amended, and all state and local laws;
 - (C) Removing language that included hands-on-the-body support in the definition of the kupuna care core service of "personal care"; and
 - (D) Deleting the definition of "qualified individual" from the kupuna care program section of the Hawaii Revised Statutes; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

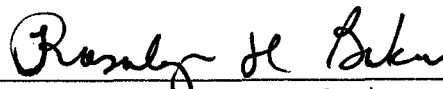
As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 534, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 534, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Commerce,
Consumer Protection, and Health
and Human Services,



JOSH GREEN, Chair



ROSALYN H. BAKER, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i


Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 534	CPH/HMS, WAM	2/1/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310	<input type="checkbox"/> Recommit 2313	
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
NISHIHARA, Clarence K. (VC)	/			
CHANG, Stanley	/			
ESPERO, Will	/			
IHARA, Jr., Les	/			
KIDANI, Michelle N.				/
RUDERMAN, Russell E.				/
TOTAL	5			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Clarence K. Nishihara</i>				
Distribution:	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy

*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
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Record of Votes
Committee on Human Services
HMS

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SB 534	CPH/HMS, WAM	2/1/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, Josh (C)	✓			
CHANG, Stanley (VC)	✓			
HARIMOTO, Breene	✓			
TOKUDA, Jill N.				✓
WAKAI, Glenn	✓			
TOTAL	4			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
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