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# A BILL FOR AN ACT

RELATING TO KUPUNA CARE PROGRAM.

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

1       SECTION 1. The purpose of this Act is to improve  
2 government efficiency by amending part II of chapter 349, Hawaii  
3 Revised Statutes, entitled kupuna care and caregiver support  
4 services, to incorporate the kupuna caregivers program into the  
5 kupuna care program.

6       SECTION 2. Section 349-16, Hawaii Revised Statutes, is  
7 amended as follows:

8       1. By adding four new definitions to be appropriately  
9 inserted and to read:

10       "Caregiver" means a spouse, adult child, other relative,  
11 partner, or friend who has a personal relationship with and  
12 provides a broad range of unpaid assistance for an older adult  
13 with a chronic or disabling condition.

14       "Caregiver support services" means services that offer  
15 education, skills, knowledge, mental, emotional, or social  
16 support to employed caregivers.



1       "Employed caregiver" means an individual who meets the  
2 following requirements:

3       (1) Provides care for a care recipient; and

4       (2) Is employed at least twenty hours per week by one or  
5 more employers or is self-employed.

6       "Financial management service provider" means an agency  
7 under contract with the executive office on aging to act as the  
8 fiscal and employer agent on behalf of a care recipient to  
9 manage employer-related functions, process payment to employees  
10 and vendors, and monitor the care recipient's allocation of  
11 funds."

12       2. By amending the definitions of "aging and disability  
13 resource centers" and "attendant care", to read:

14       "Aging and disability resource centers" means an entity  
15 established by the State as part of the state system of long-  
16 term care, serving as a highly visible and trusted source where  
17 people of all incomes and ages can [get] obtain information on  
18 the full range of long-term support options, and a single point  
19 of entry for access to public long-term support programs and  
20 benefits.



1 "Attendant care" means standby assistance, supervision, or  
2 cues, including verbal prompts for medication, bathing, eating,  
3 grooming, and dressing, and may also include other activities to  
4 help maintain the independence of an individual at home.

5 "Attendant care" does not include physical contact in support,  
6 including but not limited to weight-bearing assistance with  
7 transfers, washing, bathing, and dressing."

8 3. By amending the definitions of "case management" and  
9 "coach" to read:

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

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  
6 needs ~~[ ]~~; and

7 (4) Assists the care recipient with the program's  
8 enrollment process, including completing necessary  
9 forms such as state and federal tax forms, privacy and  
10 confidentiality forms, criminal background check  
11 forms, financial management forms, employer and  
12 employee related forms, and forms requested by the  
13 executive office on aging for enrollment."

14 4. By amending the definition of "homemaker services" to  
15 read:

16 "Homemaker ~~[services]~~" means a person that provides  
17 assistance with preparing meals, shopping for personal items,  
18 managing money, using the telephone, or performing light  
19 housework."



5. By amending the definitions of "kupuna care core services", "person-centered planning", and "person-centered support plan" or "support plan" to read:

"Kupuna care [core] services" means [~~services consisting of~~]:

(1) Services for the employed caregiver, including:

(A) Adult day care;

(B) Respite care; and

(C) Caregiver support services;

(2) Services for the care recipient, including:

(A) Attendant care;

~~[(3)]~~ (B) Case management;

(C) Care coordination;

~~[(4)Chores,]~~ (D) Chore;

~~[(5)]~~ (E) Homemaker [services];

~~[(6)]~~ (F) Home-delivered meals;

~~[(7)]~~ (G) Personal care;

~~[(8)]~~ (H) Transportation; or

~~[(9)]~~ (I) Assisted transportation.

"Person-centered planning" means a process, [~~directed by the care recipient,~~] intended to identify the strengths,



1 capacities, preferences, needs, and desired outcomes of the care  
2 recipient~~[=]~~, caregiver, or employed caregiver.

3 "Person-centered support plan" or "support plan" means a  
4 plan developed by a care recipient ~~[with the assistance of a~~  
5 ~~coach]~~, caregiver, or employed caregiver that allows the care  
6 recipient, caregiver, or employed caregiver to establish the  
7 goals, skills, and knowledge necessary to work toward the  
8 desired outcomes and lays out practical steps toward the  
9 achievement of the goals; provided that family members and  
10 friends may provide assistance in developing a care recipient's  
11 plan if the care recipient chooses to include them."

12 6. By amending the definition of "respite care" to read:

13 "Respite care" means services that offer temporary,  
14 substitute supports, or living arrangements for care recipients  
15 to provide a brief period of rest to ~~[qualified]~~ employed  
16 caregivers. "Respite care" includes:

- 17 (1) In-home respite (personal care, homemaker ~~[services]~~,  
18 and other in-home respite);
- 19 (2) Respite provided by attendance of the care recipient  
20 at a nonresidential program;



(3) Institutional respite provided by placing the care recipient in an institutional setting such as a nursing home for a short period of time as a respite service to the employed caregiver; and

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

7. By deleting the definition of "family caregivers".

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

8. By deleting the definition of "qualified caregiver".

~~["Qualified caregiver" means an individual who meets the following requirements:~~

~~(1) Provides care for a care recipient; and~~

~~(2) Is employed at least thirty hours per week by one or more employers."]~~

SECTION 3. Section 349-17, Hawaii Revised Statutes, is amended to read as follows:



1       "§349-17 Kupuna care program. (a) The executive office  
2 on aging may establish the kupuna care program. The program  
3 shall provide an array of long-term services and supports to  
4 address the needs of Hawaii's older adults ~~[and their desire to~~  
5 ~~remain in their own homes and communities as they age.]~~ to age  
6 in place and avoid institutionalization and provide support  
7 services to caregivers or employed caregivers in their effort to  
8 assist older adults to continue residing in their homes.

9       (b) The program shall be coordinated and administered by  
10 the executive office on aging and implemented through the area  
11 agencies on aging.

12       (c) To qualify for the kupuna care program, an individual  
13 shall be a care recipient, caregiver, or employed caregiver as  
14 defined in section 349-16.

15       (d) An area agency on aging, through the aging and  
16 disability resource center or other entity designated by the  
17 executive office on aging, shall determine eligibility for the  
18 program, which may include the following:

19       (1) An intake process to preliminarily determine  
20 eligibility for publicly-funded services and supports,  
21 including kupuna care services;





1        (2) A comprehensive in-home assessment of the care  
2        recipient or a caregiver assessment, if necessary; and  
3        (3) A written individualized person-centered support plan  
4        that identifies all the services and supports needed  
5        or currently used to meet the needs of the care  
6        recipient, caregiver, or employed caregiver, including  
7        those provided by other programs such as medicaid or  
8        privately paid programs.

9        (e) An area agency on aging shall use the assessment data  
10       and individual's support plan to confirm kupuna care program  
11       eligibility, then authorize and coordinate services and  
12       supports. An area agency on aging shall authorize and allot  
13       kupuna care services and shall not delegate the service  
14       authorization function to its subcontractors.

15       ~~[(e)]~~ (f) The kupuna care program shall be delivered  
16       through two distinct service options: traditional service  
17       delivery or participant-directed services and support, based on  
18       an ~~[individual]~~ individualized, person-centered support plan for  
19       each eligible care recipient~~[-]~~, caregiver, or employed  
20       caregiver; provided that:



1           (1) Traditional service delivery shall be a service  
2           provider ~~[organization or person who provides services~~  
3           ~~to clients under a formal contractual arrangement with~~  
4           ~~the executive office on aging or area agency on aging~~  
5           ~~who shall deliver to each care recipient one or more~~  
6           ~~kupuna care core services to address the care~~  
7           ~~recipient's specific needs that have been identified~~  
8           ~~in the care recipient's person centered support plan;~~  
9           and] who provides services to care recipients,  
10          caregivers, and employed caregivers under a formal  
11          contractual arrangement with the executive office on  
12          aging or area agency on aging; and

13          (2) Participant-directed services and support shall  
14          address the care recipient's assessed needs ~~[that have~~  
15          ~~been identified through the person centered planning~~  
16          ~~process and documented in the support plan.~~  
17          ~~Participant directed services and support shall~~  
18          ~~consist of long term services and supports that a care~~  
19          ~~recipient uses to maintain independence in the~~  
20          ~~community, in which the care recipient determines what~~  
21          ~~mix of services and support will address the care~~



1           ~~recipient's needs.]~~ through person-centered planning.

2           The care recipient shall have decision-making  
3           authority over~~[the care recipient's budgeted dollar~~  
4           ~~amount]~~ their own budget to purchase and manage ~~[the]~~  
5           their needed services and supports based upon ~~[the~~  
6           ~~care recipient's]~~ their person-centered support plan.

7           ~~[Participant directed services and support shall~~  
8           ~~provide the care recipient with a coach to assist the~~  
9           ~~care recipient with using the services and support in~~  
10          ~~a manner that best supports the care recipient's~~  
11          ~~ability to maintain independence and enable a quality~~  
12          ~~living experience in the community.~~

13          ~~(d) To qualify for the kupuna care program, an individual~~  
14          ~~shall be a care recipient as defined in section 349-16.~~

15          ~~(e) An area agency on aging, through the aging and~~  
16          ~~disability resource center or other entity designated by the~~  
17          ~~executive office on aging, shall conduct an intake and~~  
18          ~~assessment of individuals seeking long term services and~~  
19          ~~supports to determine eligibility for the program. The intake~~  
20          ~~and assessment shall include the following:~~



1       ~~(1) A statewide uniform intake process developed with and~~  
2       ~~adopted by the executive office on aging to~~  
3       ~~preliminarily determine eligibility for publicly~~  
4       ~~funded services and supports, including kupuna care~~  
5       ~~services; and~~

6       ~~(2) An assessment of the eligible care recipient utilizing~~  
7       ~~a statewide, uniform comprehensive in-home assessment,~~  
8       ~~if necessary. Upon completion of the in-home~~  
9       ~~assessment, the care recipient develops a written~~  
10      ~~individualized person-centered support plan with:~~

11      ~~(A) The assistance of a coach in the preparation of~~  
12      ~~the support plan; and~~

13      ~~(B) Participation from family, friends, and others,~~  
14      ~~if the care recipient desires such additional~~  
15      ~~assistance.~~

16      ~~The support plan identifies all the services and~~  
17      ~~supports needed or currently used to meet the care~~  
18      ~~recipient's needs, both formal and informal, including~~  
19      ~~those provided by other programs such as medicaid or~~  
20      ~~private paid programs. The plan shall be reviewed~~



1           ~~with the care recipient to confirm that it is the plan~~  
2           ~~the care recipient desires.~~

3           ~~(f) An area agency on aging shall use the assessment data~~  
4           ~~and individual's support plan to confirm kupuna care program~~  
5           ~~eligibility, then authorize and coordinate services and~~  
6           ~~supports. An area agency on aging shall directly authorize and~~  
7           ~~allot kupuna care services, and shall not delegate the service~~  
8           ~~authorization function to its subcontractors.]~~

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

- 11          (1) An individual does not meet the eligibility  
12               requirements specified;
- 13          (2) An ~~[individual]~~ individual's need is not substantiated  
14               through an in-home assessment;
- 15          (3) An individual leaves the State or the individual's  
16               whereabouts are unknown; or
- 17          (4) An individual refuses services.

18          (h) An area agency on aging shall provide an individual  
19          with written notice of the disposition of ~~[the request]~~  
20          ineligibility for kupuna care services.



1 (i) An individual who has been determined ineligible for  
2 kupuna care services shall have the opportunity to appeal the  
3 decision to the ~~[director of the executive office on aging~~  
4 ~~within ninety days after the date of notice of the area agency~~  
5 ~~on aging's written disposition. The director of the executive~~  
6 ~~office on aging's decision on the appeal shall be issued in~~  
7 ~~writing and shall be final.]~~ area agency on aging.

8 (j) Prior to termination of kupuna care services, service  
9 providers shall notify the ~~[appropriate contracting]~~ area agency  
10 on aging of the date and reason for termination. Termination of  
11 kupuna care services may occur if the care recipient~~[+]~~,  
12 caregiver, or employed caregiver:

13 (1) Moves and the provider is unable to locate the care  
14 recipient~~[+]~~, caregiver, or employed caregiver;

15 (2) Is transferred to another area agency on aging;

16 (3) Dies;

17 (4) No longer needs or wants kupuna care services and  
18 supports, or no longer needs or wants a particular  
19 kupuna care service or support;

20 (5) Is uncooperative with the service provider;



(6) Is noncompliant with the basic requirements of the program;

(7) Engages in behavior that threatens or demonstrates violence toward the service provider;

(8) Is placed or resides in a long-term care facility, such as an intermediate care facility, assisted living facility, skilled nursing facility, hospital, community care foster ~~[eare]~~ family home, adult foster ~~[family]~~ home, adult residential care home, ~~[or]~~ expanded adult residential care home~~[+]~~, or developmental disabilities domiciliary home;

(9) Uses comparable services from other programs; or

(10) Has a communicable disease that threatens the safety and welfare of the service provider.

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

(l) The kupuna care program shall award an allocation of funds to cover costs for services, subject to availability of funding, provided that the allocated funds shall be issued directly to the service provider or financial management service



1 provider upon request and receipt of an invoice for services  
2 rendered.

3       ~~[(1)]~~ (m) The director may adopt rules pursuant to chapter  
4 91 necessary for the purposes of this section."

5       SECTION 4. Section 349-18, Hawaii Revised Statutes, is  
6 repealed.

7       ~~["§349-18 Kupuna caregivers program. (a) The executive~~  
8 ~~office on aging may establish the kupuna caregivers program.~~  
9 ~~The program shall provide assistance to a qualified caregiver~~  
10 ~~who meets the requirements of this section.~~

11       ~~(b) The program shall be coordinated and administered by~~  
12 ~~the executive office on aging and implemented through the area~~  
13 ~~agency on aging. The executive office on aging shall develop~~  
14 ~~and implement a plan to maximize the number of caregivers served~~  
15 ~~by the program.~~

16       ~~(c) The kupuna caregivers program shall award an~~  
17 ~~allocation of funds, subject to the availability of funding and~~  
18 ~~up to a maximum of \$210 per week, to cover costs for services~~  
19 ~~that would otherwise be performed by the qualified caregiver for~~  
20 ~~the care recipient, including but not limited to:~~

21       ~~(1) Care coordination or case management;~~





- 1       ~~(2) Adult day care;~~
- 2       ~~(3) Assisted transportation;~~
- 3       ~~(4) Chores;~~
- 4       ~~(5) Home-delivered meals;~~
- 5       ~~(6) Homemaker services;~~
- 6       ~~(7) Personal care;~~
- 7       ~~(8) Respite care; or~~
- 8       ~~(9) 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 5. Statutory material to be repealed is bracketed  
15       and stricken. New statutory material is underscored.

16       SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

Executive Office on Aging; Kupuna Care; Kupuna Caregivers;  
Kupuna Care and Caregiver Support Services

**Description:**

Incorporates the kupuna caregivers program into the kupuna care program and adds services for care recipients, caregivers, and employed caregivers. (SD1)

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