
A BILL FOR AN ACT

RELATING TO RESPITE CARE.

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

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§321- Respite care for certain home operators. (a)

5 The department of health shall provide respite care for
6 operators of type I adult residential care homes, community care
7 foster family homes, and expanded adult residential care homes;
8 provided that the operator of the adult residential care home,
9 community care foster family home, and expanded adult
10 residential care home regularly employs no other employee:

11 (1) Who is not related to the operator; and

12 (2) Who does not reside in the home.

13 (b) The respite care provided by the department of health
14 shall consist of:

15 (1) Providing temporary lodging for days for the
16 operator's clients who are medicaid recipients;



1 (2) Paying the operator to employ a substitute caregiver
2 for days at the adult residential care home,
3 community care foster family home, or expanded adult
4 residential care home; provided that the substitute
5 caregiver is a certified nurse aide, as defined in
6 section 457A-1.5, who has completed a state-approved
7 training program and other training as required by the
8 department of health; or

9 (3) Any combination thereof.

10 (c) Upon the request of the operator of a type I adult
11 residential care home, community care foster family home, or
12 expanded adult residential care home that meets the requirements
13 of this section and rules adopted pursuant to this section, the
14 department of health shall provide respite care to the operator.
15 The department of health shall make respite care available to
16 any operator of a type I adult residential care home, community
17 care foster family home, or expanded adult residential care home
18 on any inhabited island of the State that meets the requirements
19 of this section and rules adopted pursuant to this section.

20 (d) The department of health shall adopt rules pursuant to
21 chapter 91 to implement this section.



1 (e) As used in this section:

2 "Client" means any person who receives home- and community-
3 based case management services to reside in an adult residential
4 care home, community care foster family home, or expanded adult
5 residential care home.

6 "Community care foster family home" has the same meaning as
7 in section 321-481.

8 "Operator" means an individual who operates an adult
9 residential care home, community care foster family home, or
10 expanded adult residential care home.

11 "Type I adult residential care home" means an adult
12 residential care home for five or fewer residents."

13 SECTION 2. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2023-2024 and
16 the same sum or so much thereof as may be necessary for fiscal
17 year 2024-2025 for the department of health to provide respite
18 care for operators of certain type I adult residential care
19 homes, community care foster family homes, and expanded adult
20 residential care homes pursuant to this Act.



1 The sums appropriated shall be expended by the department
2 of health for the purposes of this Act.

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect on July 1, 2023.

5

INTRODUCED BY: 

JAN 25 2023



H.B. NO. 1358

Report Title:

Respite Care; Operators; Type I Adult Residential Care Homes;
Community Care Foster Family Homes; Expanded Adult Residential
Care Homes; Department of Health; Appropriation

Description:

Requires the department of health to provide respite care, paid
for by the State, to operators of certain care homes.

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not legislation or evidence of legislative intent.*

