
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Section 321-481, Hawaii Revised Statutes, is
2 amended by amending the definition of "community care foster
3 family home" to read as follows:

4 ""Community care foster family home" or "home" means a home
5 that:

6 (1) Is regulated by the department in accordance with
7 rules that are equitable in relation to rules that
8 govern expanded adult residential care homes;

9 (2) Is issued a certificate of approval by the department
10 or its designee to provide, for a fee, twenty-four-
11 hour living accommodations, including personal care
12 and homemaker services, for not more than two adults
13 at any one time, at least one of whom shall be a
14 medicaid recipient, who are at the nursing facility
15 level of care, who are unrelated to the foster family,
16 and who are receiving the services of a licensed home



1 and community-based case management agency; provided
2 that:

3 (A) The department, in its discretion, may certify a
4 home for a [~~third~~] fourth adult who is at the
5 nursing facility level of care and is a medicaid
6 recipient; provided further that:

7 (i) The home has been certified and in operation
8 for not less than one year;

9 (ii) The primary caregiver is a certified nurse
10 aide, as defined in section 457A-1.5, who
11 has completed a state-approved training
12 program and other training as required by
13 the department; and

14 (iii) The substitute caregiver is a nurse aide, as
15 defined in section 457A-1.5, who has
16 completed a state-approved training program
17 and other training as required by the
18 department;

19 (B) The department, in consultation with the
20 department of human services, and in its
21 discretion, and considering the past admission



1 history and current client mix of the community
2 care foster family home, may allow [~~two private-~~
3 ~~pay individuals~~] an additional medicaid
4 individual to be cared for in the same community
5 care foster family home after considering the
6 following relevant factors:
7 (i) The community care foster family home is
8 certified for three beds[+] and may become
9 certified for four beds;
10 (ii) The operator of the three-bed community care
11 foster family home has [~~had a vacant~~
12 ~~medicaid bed for at least six months;~~
13 ~~provided that the operator shall not~~
14 ~~transfer out a medicaid or private pay~~
15 ~~client from the community care foster family~~
16 ~~home in order to accept a private pay~~
17 ~~individual;~~
18 ~~(iii) The two private pay individuals are in a~~
19 ~~relationship with each other as a married~~
20 ~~couple or in a civil union and one of the~~
21 ~~private pay individuals is currently~~



1 ~~residing in the community care foster family~~
2 ~~home for at least six months;~~

3 ~~(iv) The department, in its discretion,~~
4 ~~determines that no other adult residential~~
5 ~~care home, expanded adult residential care~~
6 ~~home, or health care facility within the~~
7 ~~area has an available opening and is capable~~
8 ~~of providing care to both private-pay~~
9 ~~individuals; and~~

10 ~~(v) There are no medicaid recipients seeking~~
11 ~~placement in the community care foster~~
12 ~~family home that the married or civil union~~
13 ~~private-pay individuals are seeking to~~
14 ~~occupy;~~

15 ~~(C) If the legal relationship of the marriage or~~
16 ~~civil union of the individuals ceases to exist,~~
17 ~~including but not limited to as a result of death~~
18 ~~or divorce, one of the two private-pay beds shall~~
19 ~~immediately, upon the death or the effective date~~
20 ~~of divorce, become a medicaid bed; and~~

21 ~~(D)] no vacant medicaid beds; and~~



1 (iii) The medicaid client is experiencing housing
2 instability; and

3 (C) The department and its officers, employees, and
4 agents, in exercising discretion and in
5 considering any other factors that the department
6 deems relevant to its decision, shall be immune
7 from suit and liability in the exercise of its
8 discretion under this section; and

9 (3) [~~Does not~~] This may include expanded adult residential
10 care homes or assisted living facilities."

11 SECTION 2. The department of health shall submit a report
12 of its findings and recommendations, including any proposed
13 legislation, on the authorization to allow one additional
14 medicaid individual to be cared for in the same community care
15 foster family home as provided under section 1 of this Act to
16 the legislature no later than twenty days prior to the convening
17 of the regular session of 2025.

18 SECTION 3. It is not the intent of this Act to jeopardize
19 the receipt of any federal aid. If this Act is found to be in
20 conflict with federal requirements that are a prescribed



1 condition for the allocation of federal funds to the State, this
2 Act shall be deemed void.

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect July 1, 3000.



H.B. NO. 408
H.D. 1

Report Title:

Health; Community Care Foster Family Homes; Medicaid; Report

Description:

Authorizes the Department of Health to certify community care foster family homes for four Medicaid beds and to place one additional Medicaid individual in the same community care foster home under certain conditions and at its discretion. Requires a report to the Legislature. Effective 7/1/3000. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

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