
A BILL FOR AN ACT

RELATING TO HUMAN SERVICES.

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 ~~[7]~~ and may be
9 certified for four beds;

10 (ii) The operator of the three-bed community care
11 foster family home has ~~[had a]~~ no 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;]~~ medicaid
 3 client was homeless or will become homeless;
 4 and

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

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

17 ~~(C) If the legal relationship of the marriage or~~
 18 ~~civil union of the individuals ceases to exist,~~
 19 ~~including but not limited to as a result of death~~
 20 ~~or divorce, one of the two private pay beds shall~~



1 ~~immediately, upon the death or the effective date~~
2 ~~of divorce, become a medicaid bed, and~~
3 ~~(D)]~~ (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]~~ "Community care foster family home" or
10 "home" may include expanded adult residential care homes or
11 assisted living facilities."

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

18 SECTION 3. It is the intent of this Act not to jeopardize
19 the receipt of any federal aid nor to impair the obligation of
20 the State or any agency thereof to the holders of any bond
21 issued by the State or by any agency, and to the extent, and



1 only to the extent, necessary to effectuate this intent, the
2 governor may modify the strict provisions of this Act, but shall
3 promptly report any modification with reasons therefor to the
4 legislature at its next regular session thereafter for review by
5 the legislature.

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 Statutory material to be repealed is bracketed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

8 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Community Care Foster Family Home; Medicaid; Human Services;
Report

Description:

Amends the definition of "community care foster family home" to allow one additional Medicaid individual to be cared for in the same community care foster family home. Requires a report to the Legislature. (SD1)

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