
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 adult who is at the nursing
5 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 its discretion, may certify a
20 home for a fourth adult who is at the nursing
21 facility level of care, is a medicaid recipient,



1 and has documented housing instability; provided
2 further that:

3 (i) The home has been certified for three beds
4 and in compliant operation for not less than
5 one year;

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

11 (iii) Any substitute caregiver is a certified
12 nurse aide, as defined in section 457A-1.5,
13 who has completed a state-approved training
14 program and other training as required by
15 the department;

16 ~~(B)~~ (C) The department, in consultation with the
17 department of human services, and in its
18 discretion, and considering the past admission
19 history and current client mix of the community
20 care foster family home, may allow two private-
21 pay individuals to be cared for in the same



1 community care foster family home after
2 considering the following relevant factors:
3 (i) The community care foster family home is
4 certified for three or four beds;
5 (ii) The operator of the [~~three-bed~~] three or
6 four bed community care foster family home
7 has had a vacant medicaid bed for at least
8 six months; provided that the operator shall
9 not transfer out a medicaid or private-pay
10 client from the community care foster family
11 home in order to accept a private-pay
12 individual;
13 (iii) The two private-pay individuals are in a
14 relationship with each other as a married
15 couple or in a civil union and one of the
16 private-pay individuals is currently
17 residing in the community care foster family
18 home for at least six months;
19 (iv) The department, in its discretion,
20 determines that no other adult residential
21 care home, expanded adult residential care



1 home, or health care facility within the
2 area has an available opening and is capable
3 of providing care to both private-pay
4 individuals; and

5 (v) There are no medicaid recipients seeking
6 placement in the community care foster
7 family home that the married or civil union
8 private-pay individuals are seeking to
9 occupy;

10 [~~(C)~~] (D) If the legal relationship of the marriage or
11 civil union of the individuals ceases to exist,
12 including but not limited to as a result of death
13 or divorce, one of the two private-pay beds shall
14 immediately, upon the death or the effective date
15 of divorce, become a medicaid bed; and

16 [~~(D)~~] (E) The department and its officers, employees, and
17 agents, in exercising discretion and in
18 considering any other factors that the department
19 deems relevant to its decision, shall be immune
20 from suit and liability in the exercise of its
21 discretion under this section; and



1 (3) Does not include expanded adult residential care homes
2 or assisted living facilities."

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

10 SECTION 3. It is not the intent of this Act to jeopardize
11 the receipt of any federal aid. If this Act is found to be in
12 conflict with federal requirements that are a prescribed
13 condition for the allocation of federal funds to the State, this
14 Act shall be deemed void.

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

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



H.B. NO. 408 H.D. 2

Report Title:

Health; Community Care Foster Family Homes; Medicaid;
Certification; Report

Description:

Authorizes the Department of Health to, in its discretion, certify community care foster family homes for a fourth adult who is a Medicaid recipient and has documented housing instability, if certain conditions are met. Requires the Department of Health to submit a report to the Legislature. Effective 7/1/3000. (HD2)

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