

A Bill for an Act Relating to the Establishment of Day Care Centers for the Elderly.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 346, Hawaii Revised Statutes, is amended by adding a new part to read as follows:

“PART IV. SERVICES TO ADULTS

Section 346.81 Purpose. The purpose of this part is to establish the nature and type of services to the elderly, disabled, and aged who are qualified to receive social services according to standards and conditions prescribed by the department of social services and housing.

Section 346.82 Definitions. As used in this part:

- (1) ‘Elderly’ means any person as may otherwise be defined by the department, who desires and needs counseling, guidance, and assistance to modify or resolve the social, economic, educational, recreational, physical, or mental problem that impedes his personal functioning and well-being.
- (2) ‘Day care center for elderly disabled and aged persons’ means a place maintained and operated by an individual, organization, or agency for the purpose of providing supportive and protective care to a disabled or aged person with or without charging a fee during the

attendant working day. The term 'day care center' includes place designated for group care for four or more adults or a family home providing care for two or three adults. The term 'disabled and aged persons' refers to persons who live with a spouse, relative, or friend but who require temporary supervision and care during the absence of people from the home or residence.

Nothing in section 346-83 shall be construed to include a relative caring for another relative; a neighbor or friend caring for an adult by mutual choice and agreement; or any center or facility conducted primarily or solely for educational, social, recreational, athletic or other group functions that may provide for twenty-four-hour boarding, personal, or nursing care accomodation.

Section 346-83 Day care centers for disabled and aged persons. The department shall be responsible for the recruitment and licensing of day care centers for the elderly disabled and aged persons. The department shall develop and publish such rules and regulations and minimum standards as are necessary to protect the best interests of adults receiving care in such places. The rules and regulations shall have the force and effect of law and shall be administered by the department.

Section 346-84 Purchase of service. The department is authorized to negotiate the purchase of day care services for the elderly disabled and aged recipients, including other social services from individuals or other organizations, institutions, or agencies. Such other social services must be necessary and essential to maximize the functioning and well-being of the recipient. Purchase of day care center services shall include but not be limited to services that enhance the social functioning of each participant, promote and develop activities in daily living and personal independence by therapeutic arts and crafts, community excursions, hobby cultivation, group dynamics and provisions for counseling to the participants and their families.

Section 346-85 Penalty. Any individual, organization, or agency operating a day care center for disabled or aged persons without a license from the department shall be cited and fined an amount deemed to be appropriate by the court, but not to exceed the maximum of \$5,000."

SECTION 2. This Act shall take effect upon its approval.

(Approved June 5, 1972.)