# SB 190

# HAWAII COALITION OF CAREGIVERS

P.O. Box 2441, Honolulu, Hawai'i 96804

February 3, 2009

**MEMBERS 2008-09** 

# Testimony in Strong Support of SB 190 - HMS - 2/10/09, 2:15 p.m., Rm. 016

Myriam Tabaniag President Alliance of Residential Care Administrators

Lani Akee President Adult Foster Homecare Association of Hawaii

Esther Pascual President United Group of Home Operators

### Myriam Guerrero

President Alliance of Residential Care Administrators - Big Island Chapter

**Daniel Marcos** 

President Adult Foster Home Association of Hawaii - Big Island Chapter

Myriam Guerrero

President Alliance of Residential Care Administrators - Big Island Chapter

Mila Medallon Advisor

Donnie Juan, Esq. Lobbyist

Bryan P. Andaya Advisor Chair Chun-Oakland, Vice Chair Ihara, and Members of the Committee:

The Hawaii Coalition of Caregivers (HCCG) **strongly supports SB190**, which allows a married couple who are not using federal/state aid to reside and receive care in the same community care foster home under certain conditions. As noted below, however, HCCG requests amendments to this well-intentioned bill.

HCCG believes that allowing married couples to live together in the same home will result better health and well-being, physically and emotionally, for residents. Indeed, preserving one's personal relationship, especially a close relationship one has with a spouse, is central to one's sense of independence, selfworth, and dignity. This sense of independence results in a better quality of life for our residents.

Indeed, the purpose of community care foster homes is to allow elderly and disabled to remain integrated in the community as opposed to being institutionalized. This bill would further this purpose and create good policy, by fostering environments where elderly and disabled can maintain close personal relationships so dear to their hearts.

HCCG further recommends amendment of this bill by the removal or relaxation of the conditions imposed in this bill. HCCG respectfully requests elimination and/or relaxation of the following requirements

Each spouse must be at least 80 years old

The couple must have been married at least 40 years

In summary, HCCG reiterates its **strong support of SB190** that would allow elderly and disabled residents to maintain their marriages.

Very truly yours,

The Hawaii Coalition of Caregivers (HCCG)

By: Bryan P. Andaya

### About HCCG

HCCG consists primarily of four organizations working in collaboration towards the common mission of uniting the home and community based care giving industry to improve the quality of care provided to elderly and developmentally disabled clients in various home and community based programs, as well as to improve the state of the industry. HCCG members include: The Alliance of Residential Care Administrators (ARCA), , the United Group of Home Administrators (UGHO), and the Adult Foster Home Association of Hawaii (AFHA). Together, members of the four organizations have a membership of almost 1,250 and comprise about 70% of the home and community-based caregivers in the State of Hawaii.



Talavera Case Management Agency, Inc

1188 Bishop Street, Century Square Building, Suite #1508, Honolulu, Hawaii 96813

# **TESTIMONY IN STRONG SUPPORT OF S.B. No. 190**

Senate Committee on Human Services Feb 10, 2009, 2:15 p.m., Conference Room 016

<u>Measure:</u> Allows a married couple consisting of two private pay clients who meet certain conditions to live in the same community care foster family home. Sunsets 7/1/2011 <u>Report Title:</u> Human Services: Community Care Foster Family Home: Private Pay Clients

To: Hon. Suzanne Chun Oakland, Chair, Human Services Committee, Hon. Les Ihara, Vice-Chair, Hon. Human Services Committee Members

### From: Elsa Talavera, RN, CMC President & CEO

My name is Elsa Talavera, President and Chief Executive Officer of Talavera Case Management Agency. Talavera Case Management Agency or simply known as TCMA, is a fully licensed company by the Department of Human Services in the State of Hawaii and it is operated by registered nurses and licensed social workers, serving the case management needs of the people of Oahu, Maui, the Big Island and Kauai. TCMA pride themselves in delivering prompt, consistent, excellent, culturally sensitive, and individualized service to all its clients through competent, dependable and caring staff, 24 hours, and 7 days a week. TCMA's mission is to provide the best case management services through timely coordination of quality health healthcare services to meet the individual and specific needs of all its clients in a cost effective way. TCMA is in strong support of SB 190 and all of its provisions to:

- ✤ Keep married elderly couples together
- Provide them a choice to where they live
- Provide them a better ratio of supervision 1:2 versus 1:5
- Provide them the opportunity to live in a Social Model of Community Based Long Term Care

As a Case Manager who has been working with the elderly for the last six years, I have personally experienced receiving request to place a private pay married couple in a Community Care Foster Family Home (CCFFH), but unable to do it, because of the current HAR 17-1454 requirement that one client must be Medicaid in order to be placed in a CCFFH. These situations really affected me personally, because I witnessed the facial expressions of disappointment and sadness when I had to tell the couple and their families that placing them in a CCFFH was impossible. For this as well as the reasons I have stated above, I strongly support SB 190

I am grateful that your committee is hearing SB 190, and I respectfully ask all of you to support its passage.

Sincerely,

signed electronically Elsa P. Talavera, RN, CMC President & CEO



**Big Island Chapter** 

# AFHA & ARCH 1468 Mele Manu St. Hilo, HI 96720

2/9/09

# OFFICERS

President:

**Daniel Marcos** 

Noemi Arzaga

Secretary:

**Thelma Lopez** 

Asst. Secretary:

vice President:

Allows a married couple, consisting of two private pay clients who meet certain conditions, to live in the same community care foster family home. SB 190

On behalf of the Adult **Residential** Care Home Operators and Adult **Foster** Home Operators of the Big Island, consisting of about 150 members, we would like to extend our strong support to this introduced bill HB 190 as it is just so humanitarian to have this bill passed. We have seen how many homes, families that have been devastated by separating the husbands and wives because they don't fall into this so-called man made "law" that was created and passed. For this bill to be passed we want to make some very important suggestions and questions to ask ourselves for the benefit of the consumers. In section I number 1 and number 2 are not being practical and ideal for the consumers.

(1)Eeach person is at least eighty years of age. — Why do we base age as a criteria for admitting a patient to a home? A patient does not chose what age is he/she going to be sick or disabled to get assistance for special needs.

(2) The couple has to be married to each other for at least forty years. — Why forty years? What is so significant about this number? Why do we set standard for married couple who are in love that when they get sick, handicapped/disabled they can no longer be with each other if they don't meet the age criteria? Do we have the right to terminate their marriage base on their age and handicapping condition by putting them in a separate home? What kinds of rights are left for them to live for the remaining days, months or a year if they are lucky to live that longer.

For goodness sake we are all citizens of the United States of America and this is the land of FREEDOM and no matter how poor, rich, dark skin, or fair skin we may be, we all have equal rights. Therefore, it is the right of these married couple that has been living together all their lives to be with each other for as long as they would like to be. Whether they would be living in a care home, foster home, and /or long term care facility home if that is their wish, it should therefore be granted. Let us support their wishes as these couples grateful feelings will be extended to more generations to come. These wonderful feelings will reflect to their children, to their grand children, and more children to come, and that just create a happy and healthy environment for everyone to live in. It is just so non-humane to dictate that because the law is written in somewhat ways that they don't fall into certain categories and that they should be



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Past President: Helen Sapla separated. Who we are to dictate such law? We should transcend into a different realm of thinking. Let us support the sacrament of marriage as it is nowadays so easily revocable. Let us show our strong support to these husbands and wives and to honor their wishes to be together throughout their lives. Let us abide by the marriage sacrament that for riches and poor, for sickness and in health 'till death does they part. Again, we thank you for introducing this bill and we strongly support for its passing.

# Sincerely yours, AFHA/ARCH LEADERS Big Island Chapter

888--330-63PX

February 9, 2009

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OHANA MULRNATIAE CARESERVICES

305 Wailuku Drive \* Suite #3, Hilo, Hawaii 96720 - \* (808) 935-0225/1-866-935-0225/(808) 935-0962 F

UHANA ALI JAKE SYUS

TO: HAWAII STATE LEGISLATORS Senator Suzanne Chun Oakland, Chair Senator bas Ihara, Vice Chair Lema Valunce KN. 155N FROM: ERLINDA VILLENA, RN, MN and LEONA VALENCIA, RN, BSN Manager and Case Managers Ohana Alternative Care Services Case Management Agency RE: SB 190 RELATING TO COMMUNITY CARE FOSTER FAMILY HOME We strongly support the SB 190 that allows a married couple, consisting of two private clients with removal of certain conditions. We believe that married couple should live together and never be separated no matter how long they are married. They are still couple who vowed that they live together for the rest of their lives. This SB 190 is overly restrictive and I would ask that the number of years and age restrictions be removed. Please take this consideration in heart because we hate and sadden us to see couples who love one another be separated because of the law. Just imagine ourselves being separated from our loved one because of the law that is in place. To us, we would feel devastated. Thank you very much for your consideration. Fax to: Sinale Spl. at - Anna office 1-800-586-6659

Professional Alternative Home-Based Care in a Nurturing Environment

# State of Hawai'i Testimony in Support of SB 190, Related to Foster Family Home February 9, 2009

Committee on Human Service

Senator Suzanne Chun Oakland, Chair, Human Services Representative Les Ihara, Jr., Vice Chair

Chair Chun Oakland, Vice Chair Ihara, and Committee Members:

The Legislative Committee of the State's Policy Advisory Board for Elder Affairs (PABEA) is in strong support of SB 190, Related to Foster Family Home. My name is Colette Browne, Professor of Social Work at the University of Hawai'i. I offer this testimony on behalf of PABEA, which is an appointed board tasked with advising the Executive Office on Aging (EOA). My testimony does not represent the views of EOA but of the Board. I also offer this testimony as a citizen who has worked for more than 30 years in community and university settings to promote the well-being of older adults.

This bill will allow a married couple, consisting of two private pay clients who meet certain conditions, to live in the same community care foster family home.

Most elders prefer to age-in-place, but not all are able to do so due to increased physical, mental, and other impairments. For these elders, a community care foster family home may be the best alternative. Should this be the case, we see no benefit to the state or the elder of being forced to live separately from their spouse.

We believe it is only humane for the state to remove any barriers to allowing a married couple to remain together in their later years.

We ask for your support in passing SB 190

Respectfully,

Colette V. Browne Legislative Committee Policy Advisory Board for Elder Affairs Feb 09 09 11:05a Kent floki Feb 08 09 08:03a Helen Sapla p.2 p.1

Hilo Baptist Church 600 Lanikaula St. Hilo, Hawaii 96720

Hawaii Ste Legislators: Senator Suzanne Chun Oakland, Chair Senator Les Ihara, Vice Chair

We, the people in our community strongly support SB190 that two private pay client must stay together in one family care home for the following reasons:

With in our congregation we believe that marriage is a sacred union that bind husband and wife together for better or for worse in their life time. Therefore; when time comes that they no longer able to things for themselves, when they have aches and pain, this is the most critical moment that elderly need each other for comfort, cheer each other for the little things they still can do. Their companionship means a lot like to them by just knowing they still there for each other, talking about the old days, how they raised their children, their funs and hardships. Make their remaining years meaningful and fulfilling as can be.

Medicaid or private pay patient must have the same opportunity and freedom of choice to stay in a Home and Community-based Long-term care program. Their must be equality and fairness regardless of age and financial status to enjoy the benefits that a federal and state program has to offer.

We hope to pass this measure for married couples who are aspiring now and will be in the program.

Thank you very much. Senior Pastor Rev. Dr. C. til Marshell 808-964-5060

Feb 09 09 11:29a Helen Sapla Feb 09 09 11:09a Kent Roki Feb 08 09 08:03a Holon Sapla

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### Signatures of Members:



New Hope Hamakua A Foursquare Gospel Church

> Pastor George Karvas Senior Pastor

February 05, 2009

Dear Human Services Chairperson and Committee Members,

This is in reference to and my support of Scante Bill—190. My name is George H. Karvas and I'm writing on behalf of a close and dear personal friend, Mrs. Teruko Kaide. Terry is a current member of our church family that I pastor at New Hope Christian Fellowship Hamakua on the Big Island. I also have the privilege of being her pharmacist as I'm currently employed as the manager of Longs Punahele Pharmacy here in Hilo.

After our services I often spend time with Terry as she has shares with me her stories and a little bit of her private life. And although I've only known Terry for a short period of time she has taught me some very precious lessons of life. It was during this past Christmas season when I asked her after one of our church services...

"Terry, what is the one thing you want for Christmas?" Her response took me for surprise as she replied with a brief pause and tears running down her face. "I just want to hear Sydney (her husband) speak?"

Her response made me reflect and ponder about my own marriage relationship. I've come to know that Terry spends most of her productive time with her husband Sydney at a different care home and when I initially learned that they were residing in separate care facilities due to the laws governing this area of care, I thought it silly. I've now been made aware of why these laws exist and I clearly understand the reasoning behind them.

So as you contemplate your final decision on this matter I ask that you would look with open hearts and see the genuiness of Terry's love for her husband. Her example is showing us what real love looks like.

We're living in a very challenging time and in these times we need to spend our resources wisely. Time is a very precious commodity and we can all agree that we too want to spend our time wisely and end our lives well. Terry's example is teaching us how to do just that and I'm asking that you provide Terry with the opportunity to spend her remaining years with the one she loves the most.

With heartfelt sincerity,

Henry Hokarvo=

Pastor George H. Karvas New Hope Christian Fellowship Hamakua

Senator Suzanne Chun Oakland, Chair Les Ihara, Vice Chair Josh Green Vice Chair Fred Hemmings

### RE: Support for SB 190 Relating to Community Care Foster Family Home

Dear Senator Oakland Chun and Committee Members,

I am writing in support of your bill 190 because I am caught in a horrible situation that does not allow me to live with my husband in his foster family home in Hilo. My name is Terry Kaide, I am 86 years old retired from the Third Circuit Court with 30 years of service. My husband Sidney is 88 years old and a retired general contractor. We have been married for 63 years.

My husband has been confined to Helen Sapla's care home since 2003 bedridden and diagnosed with bladder cancer. He is unable to talk, tube fed but he can see me, hear me and feel my touch. When he hears or sees people that are familiar to him, he is still overcome with emotions.

In December 2006, I had back surgery with complications that left me dependent on a walker and in need of skilled level care. Although the program that my husband is in allows for 1 private pay and 2 Medicaid patients, my daughters asked DHS for an exception to allow me to live with my husband as a private pay patient as well. We were denied because they said the law only allows 1 private patient.

I started at Helen's home as a renter but because my long term care would not recognize my "renter" status to qualify for my benefits, 5 months later I moved out to another care home as a patient but still living apart from my husband. 9 months later, I had to move again to a 3<sup>rd</sup> foster home, still living apart from my husband.

I've lived these last 2 years in sadness and in depression as the only joy I have is spending my time with my husband. I pay an extra \$500.00 a month for the privilege of being driven to see my husband and sometimes my visits are as short as an hour or two. His only company is when I come to visit him and it deeply saddens me that the rest of his time is spent alone. I see my husband's health deteriorating and each day could be his last day. Why can't the law recognize and honor our marriage as husband and wife? This is so unfair that I have to beg to be with my husband.

p.4

Page 2

I want to live with my husband before the Lord takes us home. We don't have too much time left. I want to be able to wake up and see his face every morning, hold his hand and sing his favorite songs. I miss him all the time and I just want to be at his side. I want to hold his hand for more than an hour or two each day. In my silence, I'm suffering from hurt, guilt, confusion, and the injustice to my marriage.

The constant stress of living under these conditions has worn me out both emotionally and physically and I don't know how much more I can endure. I simply can't wait much longer; it's going on 2 years now.

Please don't rob me of the one joy in my life. Our lives are short and I pray you will pass this bill as soon as possible.

Sincerely,

Tem Kaie

Terry Kaide Papaikou, Hawaii

(808)987-5803

Senator Suzanne Chun Oakland Chair Les Ihara, Vice Chair Josh Green Vice Chair Fred Hemmings

### <u>Re:</u> Support for SB 190 Relating to Community Care Foster Family Home: <u>Private Pay</u>

Senator Chun Oakland and Committee Members,

### Passion: n. powerful feeling, great enthusiasm.

It is with great "passion" that I support this proposed bill. Here is our story.

My mom, Terry Kaide is 86 years old and resides in Hilo. On December 5, 2006 a lower lumbar surgery at Queen's Hospital ended up with complications requiring her 2 more surgeries where we almost lost her twice. She was at Queen's for 5 weeks and then transferred to the Rehab of the Pacific for another 4 weeks. She remained in Oahu for another 4 months until she was strong enough to walk with a walker. Upon her return to Hilo, she still required skilled nursing care with a desire to live with my dad.

My dad, Sidney Kaide is 88 years old and resides in Hilo, married for 65 years. 5 years ago he took a fall and was diagnosed with bladder cancer. Unable to care for him at that time, my mom found an adult foster home with a wonderful caregiver. There was also a welfare patient in this home. In 2007, with my mom in need of skilled nursing care, it seemed only natural that she should live in the same adult foster home as my dad. Although this program only allowed 1 private patient and 1 welfare patient, we were thrilled to hear that a law had passed that these homes could now add 1 more patient, for a total of 3, however a welfare patient.

We had requested from DHS for an exception to allow my mom as the 3rd person but as a private patient. However this program and it's laws restricts the number of private pay to Medicaid patients, thus no exception could be granted.

Although we have been offered other living alternatives that offered more space for private pay patients, given my dad's fragile bedridden condition, his inability to talk and the trusting relationship already established with his care giver, his doctors, caregiver, case manager and our family clearly felt moving him would be too risky.

In less than 2 years, my mom has moved 3 times and is still unable to live with my dad. She is sad, depressed and cries in her silence for the unjustly treatment placed upon her own marriage. At 86, her only joy is to spend time with my dad. I feel that we have cut

### Page 2

her life short by putting her through this terrible ordeal. She has had insurmountable challenges leaving her physically and emotionally wounded, yet somewhere deep in her heart, it's the hope that keeps her going.

My dad's main source of strength comes from seeing her, hearing her voice and feeling her touch and I can see his condition has also deteriorated from the lack of her presence in his life. My dad understands everything that is going on and I truly believe he is hanging on with hope in his heart as with my mom.

My dad and mom do not have long to live. I see the sadness in her eyes and in her voice. What would bring her the greatest joy would be living with my dad which is her **right** in a marriage. As her child, I feel extremely helpless, emotionally broken and drained as we have come to so many dead ends. This situation has also taken a toll on my sisters and our family as we feel so helpless to remedy this situation for my parents.

I wholeheartedly support this bill with the greatest of passion to help improve the quality of life for others like my parents who may find themselves in need of foster care at the same time and choose to live together. I also seek your compassionate hearts to help move this bill forward knowing this will not be the last situation we encounter. I would want this bill to benefit all married couples regardless of their age thus, so I recommend that section 1 (1) and (2) in the proposed bill be eliminated. I humbly ask that you pass this bill so that my mom and dad can finally live together with peace in these last golden years of their lives <u>immediately</u>.

In faith,

Gale Kaide Sakaguchi Kailua, Hawaii 96734 (808)479-4382

### **RE:** Support for SB #190

I

Dear Senator Chun Oakland and Committee Members,

I fully support your proposed bill SB 190 allowing married couples to be cared for in the same adult foster care home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients.

My name is Charlotte Miyoko Kaide, daughter of Sidney and Terry Kaide who have been unjustly forced to live in separate Foster Adult Community Care Homes for the last two years. This has affected my parents mental, physical and emotional well being due to the fact that they have been married and living together for the past 63 years and now have suffered deep emotional wounds having to live separately when they most need each other.

Dad is totally bedridden and is unable to talk. Dad is tube fed and his only pleasure in life is Moni's presence and being able to hear his wife's voice, feel her touch and see her face. When Mom visits Dad he expresses to her by smiling, winking, squeezing Mom's hand and Mom would tell Dad, "I LOVE YOU" and Dad would nod his head acknowledging her words of love and even reciprocate through his facial expression of gratitude and love to his faithful wife. Being apart for two years has definitely affected them and they are depressed, lonesome for one another and the grieving is much too great to comprehend. This separation has taken a toll on their well-being and especially we have noticed a decline in their health.

Two years ago Dad used to talk and be able to say to Mom, "I LOVE YOU", Dad would sing to Mom a Japanese love song, "KOKO NI SACHI ARI" (Here Is Happiness). He would sing to her, "I live because of you only, I live because we have LOVE, Oh darling, here lies happiness and far as the blue, blue sky" and he would get very emotional every time he sang this Japanese love song to her.

Being separated from his beloved wife and life long companion has utterly crushed Dad's spirit and today he no longer can sing to Mom. Two years ago Dad used to be able to hold Mom's hands as she visited him however today his hands are limp and without life. Dad's days are numbered and as we see his health declining and coming to an end, we want to ask you, what would you want for your parents if they were in this same dilemma?

February 7, 2009 Support for SB190 / Charlotte Miyoko Kaide Page Two

For both of my parents to be set apart at this crucial moment of their lives in their twilight years before parting from this earth is inhumane and has been devastating to both our parents. Dad and Mom are crying out for mercy and justice in these last days of their lives. Dad needs to hear Mom's voice and know that she is near to him at his side. Dad needs to be able to see Mom with his own eyes which he uses to communicate his feelings. They have been deprived of the most important thing in their lives of being there for one another and encouraging one another. A smile from Mom to Dad is priceless and the soothing and healing effect that this would have on Dad cannot be measured. We are appealing to you on behalf of our aging parents, Dad, (March 1<sup>st</sup>/ 89 years old and Mom, (April 21<sup>st</sup> / 87 years old) that a waiver be extended to them to allow them to live their last days together in the same Foster Family Home.

When my parents were married, they made a vow to one another before God that they would be together, "UNTIL DEATH DO US PART". Marriage is a sacred union that honors husband and wife. Through the aging process, a couple should be able to live together as husband and wife even in foster care homes that must take in patients based on level of care and medical paying status.

My parents worked hard all their lives and were diligent taxpayers. So why is it that now that they are in their last stage in life that they should be penalized for having worked to take care of their convalescent needs and not be able to spend their last days together? Is it fair that those on welfare have preference than those who with their sweat, blood and tears worked hard to have the means to care for themselves at their golden years?

I support this bill because no couple who is eligible for the same foster care home should have to ask for permission to live with their spouse.

In order for this bill to benefit a wider audience of married couples for whom this bill is intended to serve, I recommend that this bill **not** restrict the age of the couple and the number of years married when both are eligible for the same foster care home. I fully support SB #190 with these recommendations and humbly ask that this bill be pushed through so that Sidney and Terry Kaide will be able to live out the rest of their lives together as husband and wife.

Sincerely,

Charlotte Miyoko Kaide Daughter of Sidney and Terry Kaide (808) 557-1141 charlottemiyoko@yahoo.com

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ALUMSIDE PRODUCIS

February 4, 2009

Human Services Committee Suzanne Chun Oakland, Chair Les Ihara Jr., Vice Chair Josh Green Fred Herrimings

Re: SB190

Relating to Community Care Foster Family Home

Dear Senators,

1

I am writing to you to let you know that I support SB190 and I humbly ask for your support as well.

This bill is of special interest to me because I have a brother and sister-in-law who are both living in separate care homes as private pay clients. Their separation isn't by choice but because of the regulations of the care program that governs my brothers care. It restricts the care home to one private pay client and to two Medicare clients.

Both my brother and sister-in-law are both over 80 years of age and they have been married for 62 years. My brother has been in a care home for many years now and has grown very comfortable with his caregiver Helen and her family. Over the years, his health has required special help and more individualized attention. At this point in his life, he is basically house bound and relies on Helen for almost all his daily functions. It was agreed upon by his family that although another care home may offer him and my sister-in-law to stay together, it would be detrimental to his health to disrupt the routine that he is accustomed to. It would also be too traumatic for him at 89 years of age to move and have to adapt to a new environment and to a new caregiver.

I am sure that the existing laws and regulations that prevents my brother and his wife, who are both private pay clients, to stay together in the same care home was enacted with good intentions in mind. And for the most part, I'm sure it has protected a lot of clients from fraud and wrongdoing on the part of the caregiver. And for this reason, the existing law is a plus for the aging population. However, it may not be applicable in all situations. There may be occasions when this law may not be in the best interest of a married couple, such as for my brother and 969-3376

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sister-In-law. At this point in their lives, all they want is to be together to share their time together until God calls for them.

If SB190 is passed, it would give the Dept. of Human Services the ability to grant married couples, such as my brother and sister-in-law, the opportunity to spend their remaining years together in the same care home. It would also affirm our government's commitment of caring for our senior citizens and of having compassion for our elderly who truly deserve our help.

i support SB190 and I ask that you also give your support to SB190.

Respectfully submitted,

success topama

Tsuyako Hokama 2082E Waianuenue Avenue Hilo, HI 96720

I

RE: SB #190

Dear Senator Chun Oakland and Committee Members,

I strongly support your proposed bill SB 190 that will allow married couples to be cared for in the same community care foster family home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients.

My grandparents Sidney and Terry Kaide have been trying to live together in the same community care foster family home in Hilo for the past 2 years. Thus far, this has not been possible because they are both privately paying patients. They are in their 80's and have been married for 62 years. Seeing my grandmother during this ordeal has exemplified the kind of wife I want to be to my husband Gordon Hsia. Terry Kaide makes every effort to travel from her foster care home to see my grandfather every day. She sits by his bedside, talks to him, and holds his hand. Even though she herself is in pain and has difficulty walking she makes this **sacrifice** to spend as much time with my grandfather as she can. My grandmother is not one to complain but I know how hard it is on her to travel from place to place in this way. As my grandmother grows older, simple things like getting in and out of the car are becoming increasingly challenging. Having to travel by car to visit my grandfather every day only increases the wear and tear on her body. I cannot imagine what will happen when she reaches the point of no longer being able to travel and could be forced to remain <u>permanently separated</u> from her husband.

I know that things would be so much better if my grandparents could live together in the same community care foster family home. Rather than having to make that daily trek across town my grandmother could be in the very next room able to visit her husband <u>anytime of night or day</u> without the guilt of inconveniencing friends and family who currently have to drive her. Rather than sitting in her room alone wondering how my grandfather is doing, she could be by his bedside in a moment. If you could see my grandfather's eyes twinkle at the sound of my grandmother's voice and see his weathered face wrinkle with a smile at the sight of her face, you would know why this bill is so important to me.

We are in terrible times indeed when the regulations currently in place cannot see their **enduring relationship** as husband and wife for the past 62 years, but whose sights are limited instead to their medical paying status. I support this bill because no couple who is eligible for the same community care foster family home should have to ask for permission to live with their spouse.

I think this bill could do even more to help others in this unfortunate situation. I recommend that this bill not restrict the age of the couple and the number of years married when both are eligible for the same community care foster family home. I ask that you strike subsections 1 and 2 and I fully support SB #190 with these recommendations and humbly ask that this bill be pushed through so that my grandparents, Sidney and Terry Kaide, will be able to live the rest of their lives together as husband and wife.

Sincerely, Lime.

Aimee C. Hsia (808) 779-9965 1624 Kanunu St Apt 604 Honolulu, HI 96814 aimee.hsia@gmail.com

RE: SB #190

Dear Senator Chun Oakland and Committee Members,

I married Aimee Clay Hsia on June 30, 2007. I realized soon afterwards that I not only gained a wonderful wife, I also gained a whole new family including Aimee's maternal grandparents Terry and Sidney Kaide who live in separate community care foster family homes in Hilo.

Grandma and Grandpa have been married for over 60 years and it is a travesty that for the past two years, they have had to live in separate community care foster family homes. It is a travesty because they worked so hard their entire lives and saved to not only ensure they would not be a burden to anyone else including the State of Hawaii, but also to help provide for future generations. It is a travesty because from my understanding, if they both qualified for Medicaid, they could live in the same community care foster family home. It is a travesty that the Department of Human Services does not have the ability to grant an exception to allow Grandma and Grandpa as private pay patients to live in the same community care foster family home but if they were both on Medicaid, they could live together. It is a travesty because Grandpa is bedridden which means Grandma has to have others drive her from her community care foster family home to Grandpa's community care foster family home and back every day. It is a travesty to see how it grows increasingly difficult and painful for Grandma to make this daily trek. It is a travesty that Grandma cannot see Grandpa whenever she wants to.

In this travesty, it is such a joy to know there is a hope in the form of your proposed bill SB #190 that will give the Department of Human Services the ability to allow married couples to be cared for in the same community care foster family home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients.

I think this bill has potential to do much more. I recommend that this bill not restrict the age of the couple and the number of years married when both are eligible for the same community care foster family home. I ask that you strike subsections 1 and 2 and I fully support SB #190 with these recommendations and humbly ask that this bill be pushed through so that Grandpa and Grandma will be able to live the rest of their lives together as husband and wife.

Sincerely,

Dordon Haia

Gordon Hsia (808) 779-5194 1624 Kanunu St Apt 604 Honolulu, HI 96814 hsiag001@hawaii.rr.com

RE: SB #190

Dear Senator Chun Oakland and Committee Members,

I completely support your proposed bill SB #190 that will allow married couples to be cared for in the same community care foster family home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients.

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My grandparents Sidney and Terry Kaide in Hilo are in their 80's and have been trying to live together in the same community care foster family home for the past 2 years but have been unable to do so. Both of my grandparents were hardworking people who saved their money to take care of their children, their children's children, and provide for themselves in their old age. It pains me to see them separated this way. I do not understand why the system does not recognize their relationship of 62 years as husband and wife but focuses instead on their medical paying status. I support this bill because no couple who is eligible for the same community care foster family home should have to ask for permission to live with their spouse.

I think this bill could do even more to help others in this unfortunate situation. I recommend that this bill not restrict the age of the couple and the number of years married when both are eligible for the same community care foster family home. I ask that you strike subsections 1 and 2 and I fully support SB #190 with these recommendations and humbly ask that this bill be pushed through so that my grandparents, Sidney and Terry Kaide, will be able to live the rest of their lives together as husband and wife.

Sincerely,

HalerX

Robert Clay (808) 854-9061 1624 Kanunu St Apt 604 Honolulu, HI 96814 gliderproarc@gmail.com

RE: Senate Bill SB-190

Dear Senator Chun Oakland and Committee Members,

Thank you Senator Chun Oakland for introducing SB-190, a bill that would allow married couples, consisting of two private pay clients who meet certain conditions, to live in the same community care foster family home.

As the son-in-law of Terry and Sidney Kaide, it's been frustrating to see my in-laws live in separate foster care homes these last couple of years and if this law is PASSED, it will finally allow them unite and live together under the same roof like most married couples desire to do.

I support this bill; however, there are two items in SB-190, Section 1 that concern me:

- 1) Each spouse is at least eighty years of age.
- 2) The couple has been married to each other for at least forty years.

As an example, what if a husband develops Alzheimer's and his wife suffers a stroke in their 60's or 70's but don't qualify to be in the same foster care home because they don't meet the minimum age requirement?

Or, what if a husband or wife becomes a widow or widower and they decide to get remarried but don't meet minimum years of marriage of 40yrs?

I thank you for your time and consideration,

Myles Sakaguchi Son-in-law of Terry & Sidney Kaide 1313 Auwaiku St. Kailua, HI 96734 (808) 479-2278

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February 4, 2009

Human Services Committee Suzanne Chun Oakland, Chair Les Ihara, Jr., Vice Chair Josh Green Fred Hemmings

Re: SB190 Relating to Community Care Foster Family Home

Dear Senator Chun Oakland & Committee Members,

I am writing to you to let you know that I am in favor of SB190 if some changes can be addressed and I humbly ask for your consideration and support.

If my understanding of this bill is correct, the Intention will be to allow a married couple who are both private pay clients to be cared for in the same community care foster family home if the three criteria is met; (1) Each spouse is at least 80 years of age, (2) The couple has been married to each other for at least forty years and (3) Each spouse meets all other requirements for admission to the community care foster family home.

If this is correct, then I would like to express my thoughts on the changes that I feel should be addressed to make SB190 more beneficial to those it is intended to serve. First of all, I strongly feel that the age limit should be reconsidered. Why does the married couple need to be at least 80 years old? There may be couples that are younger than 80 years of age that face the dilemma of being separated from a spouse. Is there a specific reason why SB190 is limiting its benefit to those over 80 years of age? If not, I think the age limitation should be reconsidered.

And second, I feel that the required number of years of marriage should also be reduced to a lower number. How do you justify the reason that 40 years is the determining number to qualify as a beneficiary of SB190? For example, what makes a 40 year marriage better than a 25 year marriage? Could you reconsider the number of years of marriage to reflect a more ideal and realistic time frame?

With this being said, I am still in favor of the intention of SB190. As an example of how this bill would be beneficial to our aging community, I would like to tell you about my Uncle Sidney and Aunty Terry Kaide of Hilo, Hawaii. They are both

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over 80 years of age and have been married for 62 years. At present, they both are being cared for in private care homes but *not* in the same care home. It was not their choice to be apart from each other but because of the adult program that covers Uncle Sidney's care, Aunty Terry cannot reside in the same care home with him. Thus, they are now living their remaining years here on earth apart from each other.

Both Uncle Sidney and Aunty Terry have been law abiding citizens all their lives and I can honestly say that they have lived an honorable life. When the time came that they both needed to be placed in care homes, we all assumed that they could stay together in the same care home. However, due to the intricacies of the Medicare system and of our health care regulations and laws, it was not legal for Aunty and Uncle to receive care in the same care home. Being law abiding citizens, they have been following the rules and regulations that govern their care and they have been living their remaining years apart from each other.

If SB190 is passed, it would allow my Uncle and Aunty to be together again and to live their lives as it should be for a married couple ... side by side, for better or for worse, till death do they part. After all, what is the relevance of marriage if our law doesn't allow for a married couple to stay together through sickness and in health?

I humbly ask that you support SB190 so that married couples such as my Uncle Sidney and Aunty Terry can honor their marriage vows of promising to stay together till death. Please reconsider the details of SB190 and provide your support of SB190 thereof so our elders can live their remaining years with dignity and pride.

Sincerely,

allananteristrema

Marsha Lee Hokama 60 Kaunaloa Street Hilo, HI 96720

8087480003

Laura Hashimoto 1650 Nuuanu Ave., #401 Honolulu, HI 96817

February 5, 2009

### RE: Support for SB #190

Dear Senator Chun Oakland and Committee Members,

I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients. Without passage of this proposed bill, medical pay status supersedes the needs of married couples and causes undue hardship.

Sidney and Terry Kaide have been married for 62 years and have been forced to live separately in their 80's because the program's criteria does not recognize their relationship as husband and wife but is based on their medical paying status.

Sidney and Terry are respectively my uncle and aunt. Sidney has been in his current care home for five years. He is bedridden and in increasingly fragile health. Moving to a bigger care home (in order to be with Terry) would cause him physical and emotional distress. He would have to leave his current home where they have come to understand and care for his health and personal needs.

Without passage of the proposed bill, Terry will have to continue to stay in a separate care home, where she gets up literally every day with significant back pain and aided with a walker, makes this great effort to be driven over to visit Sidney who is in a separate care home.

It is a further travesty that this couple of over 60 years cannot be together in the same care home to enjoy their companionship with and devotion to each other.

Furthermore, the hardship extends to their three daughters, who are running back and forth between Sidney's home and Terry's home.

All of these hardships are unnecessary, tragic, and absolutely ridiculous. Please pass SB# 190.

Sincerelv. Laura Hashimoto

Dear Chairwoman Suzanne Chun-Oakland:

I am writing in regards to SB 190 in behalf of my Uncle and Aunty, Sidney and Terry Kaide. They presently reside at separate care home facilities because they are private (paying) clients. I feel this is not right.

Uncle Sidney is 89 years old and Aunty Terry is 86 years old. They have been married for 63 years. They should be able to spend their Golden Years together and not at separate care home facilities. In order for Aunty to see Uncle, she must be driven over to Uncle's care home. They are elderly so they should be able to spend their lives together as a couple in the same care facility.

As a relative, I have to go to two different care homes to see them. If they lived together, I could just go to one care home.

Please allow my Uncle and Aunty, Sidney and Terry Kaide, to reside in the same home facility as (paying) clients. At their age, they should be able to enjoy each other's company in the same care home facility.

Thank you for your help.

Sincerely,

Wilma M. Kawasaka

Wilma M. Kawasaka Niece of Sidney and Terry Kaide

Re: 5B 190

February 4, 2009

Members of the Human Services Committee:

I am writing to you in behalf of Sidney and Terry Kaide, in their request to be able to reside at the same home care facility. Unfortunately, they presently reside at separate facilities because they are both "private" residents.

Uncle Sidney is 89 years old. Aunty Terry is 86 years old. This couple has been married for 63 years. When considering the number of years they have been married, this is "cruel and unusual punishment," for them to be separated in their final years of life. This is the time when they should be spending quiet, quality time, enjoying each other without interruption or concern of anything else but themselves.

It has been very trying and frustrating for Aunty Terry, who has devoted her life to her husband, to not be able to be with him as his health is deteriorating. When Uncle Sidney was first placed in a care facility, Aunty was there daily at meal time to help feed and tend to his needs. She often fixed his favorite foods to encourage him to "eat plenty." How many of us would be able to faithfully serve our spouse in this manner? Aunty Terry continued her daily visits until she herself became incapacitated. Devotion? Love?

Put yourselves in their place. If they were wards of the State this would not be, but because they are capable to pay for their own care, they must suffer this separation. I beg of you, PLEASE find it in your hearts to allow Uncle Sidney and Aunty Terry to immediately be placed together. Their days on this earth are numbered, help them to be together.

God Bless You!

Sincerely Trisia N. Morimoto

Patricia N. Morimoto

8083560550

February 7, 2009

### RE: SUPPORT FOR SB #190

Senator Suzanne Chun Oakland, Chair Les Ihara, Vice Chair Josh Green, Vice Chair Fred Hemmings

Dear Senator Suzanne Chun Oakland and Committee Members,

I am writing in support of your Senate Bill 190 to allow married couples to live in the same foster care home. I totally support this bill because I believe married couples should be living with each other until death do they part – this is the marriage vow we take.

I have been married for 45 years now; I am 68 years old and my wife, Shirley is 66 years old. I believe if both my wife and I needed the same kind of care, I would no doubt want to live together with her. I feel for my daughter in law's parents who have had to live apart from each other the last 2 years. Mr. Kaide's health is fragile and I am sure it must break his wife's heart to not be with him everyday. I can't understand why the law does not allow them as a married couple to live together and I hope that this bill will be the answer for them to finally live their lives together.

I ask that you consider passing this bill so that people like Mr.and Mrs. Kaide will be able to live together and enjoy their time together which is usually the only enjoyment that elderly people have in their days. I do support this bill but I don't think there should be an age or number of years married requirement in this bill. Anything can happen to anyone these days and by putting these requirements into the bill will eliminate many married couples from benefitting from these changes.

Thapk You Landel Sahague

ˈĦ́arold Sakaguchi / 1206 Punua Way Kailua, HI 96734

Senator Suzanne Chun Oakland, Chair Les Ihara, Vice Chair Josh Green Vice Chair Fred Hemmings

# RE: Support for SB 190

Dear Senator Suzanne Chun Oakland, Committee Memebers:

I support your proposed bill SB 190 that will allow married couples to live in the same foster care home. My husband and I have been married for 45 years and if we found ourselves in the same situation, I know we would want to live together in the same foster home.

I support this bill but I feel that your age requirement and number of years married is too restrictive and will not benefit many but less couples which makes no sense. It would be ashame to pass this bill and then find that it does not benefit the majority of married couples in this kind of need. I believe that all married couples regardless of how long they have been married should have the right to live together.

I hope that you will pass this bill so that my daughter in law's parents, Mr. and Mrs.Sidney Kalde in Hilo will be able to live the rest of their years together. It upsets me that they have to fight for this right through our government especially in their senior years. I humbly ask that you will pass this bill so that they and others in the future will not have to fight for the right of living together which is what marriage is all about.

Aloha

Shirly S. Sakaguch.

Shirley Sakaguchi

Conrad Hokama

# 1992 Wajanuenue Avenue

Hilo, Hawaii 96720

### February 9, 2009

Hawaii State Senate Human Service Committee Senator Suzanne Chun-Oakland, Chairperson Senator Les Ihara Jr., Vice-Chair Senator Josh Green Senator Fred Hemmings

Re: SB 190 Relating to Community Care Foster Family Homes

Senators:

am writing in support of Senate Bill 190 that would allow a private paying married couple to stay in the same adult foster care home.

In this day and age with the advancement of medical technology that allows our Hawaii residents to live longer, it would be sensible to allow a married couple to live together in order to maintain a family environment although it may be in an adult foster care home.

We should amend the laws in order to support keeping the family unit together. This is Hawaii and family has always been a way of life for many of us along with the spiritual and emotional support that goes with it. This arrangement would enhance the quality of life for those who have been fortunate to live a long life but need the assistance to get by in their daily activities.

The key here is to give the people a choice to live together should they choose to do so. In the spirit of "Ohana", I ask for your favorable consideration of this bill.

My Warmest Aloha.

Conrad Hokama



# Yujen Edward Hsia, M.D.

1350 Ala Moana Boulevard, Apt 1412 Honolulu, Hawaii, 96814 February 5, 2009

RE: SB #190

Dear Honorable Senator Chun Oakland and Committee Members:

Thank you for proposing Bill SB 190 allowing private-pay patients who are a married couple to be in one adult foster care home in the category which limits the number of private-pay vs. Medicaid patients,

When an elderly couple both need care, I applaud the permission for them to remain together.

It is a terrible shame when a couple who have shared their lives together for many decades are blocked from receiving foster care together.

A friend in Hilo, Terry Kaide, is now in need of foster care, and has been trying unsuccessfully for two years to reunite with her husband Sidney Kaide in the same foster care home.

Although Sidney and Terry Kaide have been married for 62 years and both are over 80, it seems harshly restrictive to exclude any couple who had had a briefer marriage, or where one or both are under age 80 years. I urge you please to consider liberalizing this restriction.

A couple who are both in need of adult foster care should be allowed to live together, legal criteria should recognize their marital status, as well as their payment status.

I fully support SB #190 with these recommendations and humbly request that this bill be enacted, so that Sidney and Terry Kaide will be able to live out the rest of their lives together as husband and wife. Also, please eliminate these restrictions based on marriage duration and age for the sake of all others in the same plight.

Respectfully

Yujen Edward Hsia

### RE: Support for SB #190

Dear Senator Chun Oakland and Committee Members,

I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients. With our aging baby boomers and more people living longer lives these days, the number of married couples in need of the same type of care will only continue to multiply.

I took care of both my parents for several years. Whenever they were hospitalized I had to be there to help because even with a large staff that a hospital has, it is not enough to care for the individual needs of a patient who is disabled. To have parents located at two different locations would make it nearly impossible for the family to make visits and care for them as needed.

The emotional and psychological health contributes to the physical well-being of a person. The security and support that comes from a marriage relationship grows with time and is of greater need for the elderly person. It will be a great factor as to that person deciding to continue on or resign to decline.

Marriage is a sacred union that honors husband and wife. Through the aging process, a couple should be able to live together as husband and wife even in foster care homes that must take in patients based on level of care and medical paying status. I support this bill with a few recommendations aimed to benefit a wider audience of married couples for whom this bill is intended to serve.

My recommendation for this bill is to **not** restrict the age of the couple and the number of years married when both are eligible for the same foster care home. I fully support SB #190 with these recommendations and ask that you carefully consider how much of an impact this bill will have on Hawaii's aging population.

Sincerely, hen Rouland

Anna Rowland Hm. Ph: 941-2949 Email: annar@hawaiiantl.net

# RE: Support for SB #190

Dear Senator Chun Oakland and Committee Members.

I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients. The number of married couples in need of the same type of care will only continue to increase with the aging baby boomers and as more people live longer lives.

I would like to share a case which involves a dear friend Terry Kaide who currently resides in Hilo and has been trying to live with her husband, Sidney in the same foster care home for 2 years now without success. Both of them are in their 80's and have been married for 62 years. They have been forced to live separately because the current program's criteria does not recognize their relationship as husband and wife but on their medical paying status.

I truly support this bill because no couple who is eligible for the same foster care home should have to ask for permission to live with their spouse.

In order for this bill to benefit a wider audience of married couples for whom this bill is intended to serve. I recommend that this bill **not** restrict the age of the couple and the number of years married when both are eligible for the same foster care home.

I fully support SB #190 with these recommendations and humbly ask that this bill be approved so that Sidney and Terry Kaide and all other couples be allowed to live together as husband and wife in foster care homes that take in patients based on level of care and medical paying status.

Sincerely,

arlen 7. Ogla

### **Gordon Hsia**

From:	Sherri Iha [pixie@hawaii.rr.com]
Sent:	Friday, February 06, 2009 2:10 PM
To:	hsiag001@hawaii.rr.com
Subject:	RE: Please us help Aimee's grandparents

February 5, 2009

RE: SB #190

Dear Senator Chun Oakland and Committee Members,

I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients.

Marriage is a sacred union that honors husband and wife. Through the aging process, a couple should be able to live together as husband and wife even in foster care homes that must take in patients based on level of care and medical paying status. It is a travesty to have couples who have pledged their lives to each other, be separated because the law looks at their medical paying status versus their relationship as husband and wife.

I have a friend in Hilo who has been trying to live with her husband in the same foster care home for 2 years now without success. Sidney and Terry Kaide have been married for 62 years and have been forced to live separately in their 80's because the program's criteria does not recognize their relationship as husband and wife but on their medical paying status. I support this bill because no couple who is eligible for the same foster care home should have to ask for permission to live with their spouse.

I do not think this bill goes far enough. I recommend that this bill not restrict the age of the couple and the number of years married when both are eligible for the same foster care home. I ask that you strike subsections 1 and 2 and I fully support SB #190 with these recommendations and humbly ask that this bill be pushed through so that Sidney and Terry Kaide will be able to live out the rest of their lives together as husband and wife.

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Sincerely,

Sherri Iha

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p.2

Robert G. Speer 95-1405 Lehiwa Dr. Mililani, HI 96789

February 8, 2009

### RE: Support for SB #190

Dear Senator Chun Oakland and Committee Members,

I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home. This specifically applies to situations when both patients are private pay patients in foster care homes licensed to 3 patients. In this situation, the current limitation allows only one of three patients to be private pay.

Marriage is a sacred union that honors husband and wife. Through the aging process, a couple should be able to live together as husband and wife even in foster care homes regardless of the level of care and medical paying status. This is the normal situation for most states on the mainland. Friends of mine in Hilo, Sidney and Terry Kaide, who are in their 80s and have been married for 62 years, have been forced to live separately because of their private pay status.

I support this bill because no couple who is eligible for the same foster care home should be prevented of living with their spouse – this discrimination, especially late in life, is deplorable. Additionally, in order for this bill to benefit a wider audience of married couples, I recommend that it **not** restrict the age of the couple and the number of years married when both are eligible for the same foster care home.

I fully support SB #190 with these recommendations and humbly ask that this bill be passed quickly for the benefit of the elders of our Hawaiian community.

Sincerely. Robert G. Spe

Josephine Takayama 84 Ala Muku St. Hilo, Hawaii 96720

February 8, 2009

### RE: Support for SB #190

Dear Senator Chun Oakland and Committee Members,

I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home. This specifically applies to situations when both patients are private pay patients in foster care homes licensed to 3 patients. In this situation, the current limitation allows only one of three patients to be private pay. I feel that patients should not be excluded from being together especially being of family members due to your law of private pay.

A good example for one, my sister and her husband are both foster care patients in separate foster homes because of your private pay law. Her husband has been in his present foster home for 5 years. He is very happy and content at where he is that my sister feels it would be cruel to have him move with her to another care giver.

People are living longer in this day and age and there will be more spouses that will have to be in care homes at the same time.

I support this bill because no married couple should be denied of wanting to live together especially in their later years.

Sincerely,

psychina Takayama Josephine Takayama

RE: SB #190

Dear Senator Chun Oakland and Committee Members,

I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients. With our aging baby boomers and more people living longer lives these days, the number of married couples in need of the same type of care will only continue to multiply.

Marriage is a sacred union that honors husband and wife. Through the aging process, a couple should be able to live together as husband and wife even in foster care homes that must take in patients based on level of care and medical paying status. In fact I have a friend in Hilo who has been trying to live with her husband in the same foster care home for 2 years now without success. Sidney and Terry Kaide have been married for 62 years and have been forced to live separately in their 80's because the program's criteria does not recognize their relationship as husband and wife but on their medical paying status. I support this bill because no couple who is eligible for the same foster care home should have to ask for permission to live with their spouse.

In order for this bill to benefit a wider audience of married couples for whom this bill is intended to serve, I recommend that this bill **not** restrict the age of the couple and the number of years married when both are eligible for the same foster care home. I fully support SB #190 with these recommendations and humbly ask that this bill be pushed through so that Sidney and Terry Kaide will be able to live out the rest of their lives together as husband and wife.

Debone nu

DEBORAH NISHIHIRA

RE: SB #190

Dear Senator Chun Oakland and Committee Members,

I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients. With our aging baby boomers and more people living longer lives these days, the number of married couples in need of the same type of care will only continue to multiply.

Marriage is a sacred union that honors husband and wife. Through the aging process, a couple should be able to live together as husband and wife even in foster care homes that must take in patients based on level of care and medical paying status. In fact I have a friend in Hilo who has been trying to live with her husband in the same foster care home for 2 years now without success. Sidney and Terry Kaide have been married for 62 years and have been forced to live separately in their 80's because the program's criteria does not recognize their relationship as husband and wife but on their medical paying status. I support this bill because no couple who is eligible for the same foster care home should have to ask for permission to live with their spouse.

In order for this bill to benefit a wider audience of married couples for whom this bill is intended to serve, I recommend that this bill **not** restrict the age of the couple and the number of years married when both are eligible for the same foster care home. I fully support SB #190 with these recommendations and humbly ask that this bill be pushed through so that Sidney and Terry Kaide will be able to live out the rest of their lives together as husband and wife.

RE: SB #190

Dear Senator Chun Oakland and Committee Members,

I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients. With our aging baby boomers and more people living longer lives these days, the number of married couples in need of the same type of care will only continue to multiply.

Marriage is a sacred union that honors husband and wife. Through the aging process, a couple should be able to live together as husband and wife even in foster care homes that must take in patients based on level of care and medical paying status. I support this bill with a few recommendations aimed to benefit a wider audience of married couples for whom this bill is intended to serve.

My recommendation for this bill is to **not** restrict the age of the couple and the number of years married when both are eligible for the same foster care home. I fully support SB #190 with these recommendations and ask that you carefully consider how much of an impact this bill will have on Hawaii's aging population.

**RE: SB #190** 

Dear Senator Chun Oakland and Committee Members,

I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients. With our aging baby boomers and more people living longer lives these days, the number of married couples in need of the same type of care will only continue to multiply.

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Edythe R.K. Sven

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01-00000

February 8, 2009

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Earthe R.K. Sven

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February 1, 2009

# **RE:** Support for SB 190

Dear Senator Suzanne Chun Oakland and Committee Members,

I support your proposed Senate Bill 190 that allows married couples to live together in the same adult foster care home.

Aloha

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Mr. Chuck K. Auld

Dona Caulel

Donna L.C. Auld

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فروا فراد والمراجد

February 8, 2009

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James Jures

February 5, 2009

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Yilwa Dome

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Ph. 808-738-4711

Stephen Naaa 1200 Queen Emma Street #2901 Honolulu, HI 96813

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Feb. 9. 2009 8:18AM

February 8, 2009

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Sincerely. Lad Panis

No. 0903 P. Z

February 8, 2009

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# Sincerely, Michael Fukunaga

Michael M. Fukunaga 7263 Kauhako St. Honolulu, HI. 96825

Phone: 808 395.3377

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Guda Karabam

FAX NO. :808-261-3916

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p.6

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p.4

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P.3

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Charmaine Manabe

## RE: Support for SB #190

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In order for this bill to benefit a wider audience of married couples for whom this bill is intended to serve, I recommend that this bill **not** restrict the age of the couple and the number of years married when both are eligible for the same foster care home. I fully support SB #190 with these recommendations and humbly ask that this bill be pushed through so that Sidney and Terry Kaide will be able to live out the rest of their lives together as husband and wife.

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I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients. With our aging baby boomers and more people living longer lives these days, the number of married couples in need of the same type of care will only continue to increase.

Marriage is a sacred union that honors husband and wife. Through the aging process, a couple should be able to live together as husband and wife even in foster care homes that must take in patients based on level of care and medical paying status. I support this bill with a few recommendations aimed to benefit a wider audience of married couples for whom this bill is intended to serve.

My recommendation for this bill is to eliminate the age requirement in Section 1 (1) and the number of years married in Section 1 (2) when both are eligible for the same foster care home. I support this bill as there will be a growing need to support more couples in our aging communities.

Tem Minancy

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Through the aging process, a couple should be able to live together as husband and wife even in foster care homes that must take in patients based on level of care and medical paying status. It is a travesty to have couples who have pledged their lives to each other, be separated because the law looks at their medical paying status versus their relationship as husband and wife.

I have a friend in Hilo who has been trying to live with her husband in the same foster care home for 2 years now without success. Sidney and Terry Kaide have been married for 62 years and have been forced to live separately in their 80's because the program's criteria does not recognize their relationship as husband and wife but on their medical paying status. I support this bill because no couple who is eligible for the same foster care home should have to ask for permission to live with their spouse.

I do not think this bill goes far enough. I recommend that this bill not restrict the age of the couple and the number of years married when both are eligible for the same foster care home. I ask that you strike subsections 1 and 2 and I fully support SB #190 with these recommendations and humbly ask that this bill be pushed through so that Sidney and Terry Kaide will be able to live out the rest of their lives together as husband and wife.

Sincerely,

Derick Chae

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Ratout 5. Islihore

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Proban

Bernice Pestana Tinamarie Vee Hay Hastings Vec Hay fr Pauline Yee Hay Allison-Kniia Lostie

SASEN YELLOY

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February 5, 2009

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Brack Go

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Graut High 2-36-0913

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Marriage is a sacred union that honors husband and wife. Through the aging process, a couple should be able to live together as husband and wife even in foster care homes that must take in patients based on level of care and medical paying status. It is a travesty to have couples who have pledged their lives to each other, be separated because the law looks at their medical paying status versus their relationship as husband and wife.

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I do not think this bill goes far enough. I recommend that this bill not restrict the age of the couple and the number of years married when both are eligible for the same foster care home. I ask that you strike subsections 1 and 2 and I fully support SB #190 with these recommendations and humbly ask that this bill be pushed through so that Sidney and Terry Kaide will be able to live out the rest of their lives together as husband and wife.

Panne Fujino Tanmie Fujino Kalihi Valley

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In order for this bill to benefit a wider audience of married couples for whom this bill is intended to serve, I recommend that this bill not restrict the age of the couple and the number of years married when both are eligible for the same foster care home. I fully support SB #190 with these recommendations and humbly ask that this bill be pushed through so that Sidney and Terry Kaide will be able to live out the rest of their lives together as husband and wife.

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Marriage is a sacred union that honors husband and wife. Through the aging process, a couple should be able to live together as husband and wife even in foster care homes that must take in patients based on level of care and medical paying status. I support this bill with a few recommendations aimed to benefit a wider audience of married couples for whom this bill is intended to serve.

My recommendation for this bill is to **not** restrict the age of the couple and the number of years married when both are eligible for the same foster care home. I fully support SB #190 with these recommendations and ask that you carefully consider how much of an impact this bill will have on Hawaii's aging population.

Stoney & Olayan

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2/8/09

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Lois Nakamurg hori Makamuna 754-7512

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Marriage is a sacred union that honors husband and wife. Through the aging process, a couple should be able to live together as husband and wife even in foster care homes that must take in patients based on level of care and medical paying status. In fact I have a friend in Hilo who has been trying to live with her husband in the same foster care home for 2 years now without success. Sidney and Terry Kaide have been married for 62 years and have been forced to live separately in their 80's because the program's criteria does not recognize their relationship as husband and wife but on their medical paying status. I support this bill because no couple who is eligible for the same foster care home should have to ask for permission to live with their spouse.

In order for this bill to benefit a wider audience of married couples for whom this bill is intended to serve, I recommend that this bill not restrict the age of the couple and the number of years married when both are eligible for the same foster care home. I fully support SB #190 with these recommendations and humbly ask that this bill be pushed through so that Sidney and Terry Kaide will be able to live out the rest of their lives together as husband and wife.

Shiny H. Smoluti

RE: SB #190

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Afgraan JDY T. AGRAMN

RE: SB #190

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Klick alwary\_

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Wilden

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Duryne Obinka

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Singerely

Sutt han-

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Shuri a. fapour

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Collun Goto - Ono

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Jaine J. Taker

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I on A Watanabe

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Sincerely. Julie 4 Aukauz

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Ausala Milliga

From:Lisa Kobayashi [Imskobayashi@gmail.com]Sent:Sunday, February 08, 2009 10:28 PMTo:Gordon HsiaSubject:SB #190

February 8, 2009

RE: SB #190

Dear Senator Chun Oakland and Committee Members,

I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients.

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I have a friend in Hilo who has been trying to live with her husband in the same foster care home for 2 years now without success. Sidney and Terry Kaide have been married for 62 years and have been forced to live separately in their 80's because the program's criteria does not recognize their relationship as husband and wife but on their medical paying status. I support this bill because no couple who is eligible for the same foster care home should have to ask for permission to live with their spouse.

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Sincerely, Shannon and Lisa Kobayashi

No virus found in this incoming message. Checked by AVG - www.avg.com Version: 8.0.233 / Virus Database: 270.10.19/1940 - Release Date: 02/08/09 17:57:00 -----Original Message-----From: Dessy Watai [mailto:dessywatai@yahoo.com] Sent: Sunday, February 08, 2009 8:26 AM To: Gordon Hsia Subject: Re: Please help us help Aimee's grandparents

February 5, 2009

RE: SB #190

Dear Senator Chun Oakland and Committee Members,

I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients.

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Sincerely, Dessy Scoville

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From: Matthew Liang [mliang7887@hotmail.com]

Sent: Friday, February 06, 2009 10:45 PM

To: Gordon Hsia

Subject: RE: Please help us help Aimee's grandparents

February 5, 2009

#### RE: SB #190

Dear Senator Chun Oakland and Committee Members,

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Sincerely,

Cathy Liang

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Windows Live™: E-mail. Chat. Share. Get more ways to connect. <u>Check it out.</u> Internal Virus Database is out of date. Checked by AVG - http://www.avg.com Version: 8.0.176 / Virus Database: 270.10.15/1921 - Release Date: 1/28/2009 6:37 AM

From: Matthew Liang [mliang7887@hotmail.com]

Sent: Friday, February 06, 2009 10:44 PM

To: Gordon Hsia

Subject: RE: Please help us help Aimee's grandparents

#### February 5, 2009

RE: SB #190

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From:Mjkfaux@aol.comSent:Saturday, February 07, 2009 1:51 AMTo:hsiag001@hawaii.rr.comSubject:SB #190

February 5, 2009

RE: SB #190

Dear Senator Chun Oakland and Committee Members,

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Sincerely, Monica Faux

Great Deals on Dell Laptops. Starting at \$499.

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From:Dinah Lynn Clay [dinah.clay@hawaiiantel.net]Sent:Friday, February 06, 2009 9:23 PMTo:hsiag001@hawaii.rr.comSubject:Senate Bill SB #190

February 5, 2009

RE: SB #190

Dear Senator Chun Oakland and Committee Members,

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From: Pamela Hsia [pamelahsia@hotmail.com]

Sent: Friday, February 06, 2009 10:22 PM

To: gordon hsia

Subject: In support of SB#190

February 5, 2009

RE: SB #190

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Sincerely,

Pamela Hsia 15338 NE 63rd Way Redmond, WA 98052

Windows Live™: E-mail. Chat. Share. Get more ways to connect. <u>See how it works.</u> Internal Virus Database is out of date. Checked by AVG - http://www.avg.com Version: 8.0.176 / Virus Database: 270.10.15/1921 - Release Date: 1/28/2009 6:37 AM

# RE: Support for SB 190

Dear Senator Suzanne Chun Oakland and Committee Members,

I support your proposed Senate Bill 190 that allows married couples to live together in the same adult foster care home.

Aloha

Joya Sutta

### RE: Support for SB 190

Dear Senator Suzanne Chun Oakland and Committee Members,

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Aloha

ALAN T. KIDA

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Aloha Vince Legaspi

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Chaster In-

1

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Myl & Lizapi

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aumi O im

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# **RE: SB #190: Relating to Community Care Foster Family Home: Private Pay**

Dear Senator Chun Oakland and Committee Members,

I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients.

A marriage honors a husband and wife. It saddens me deeply that my sister Terry Kaide and her husband Sidney whom have been married for 62 years and have been forced to live separately in their 80's because the program's criteria does not recognize their relationship as husband and wife but on their medical paying status. Married couples should be able to live together as husband and wife even in foster care homes where the patient ratio is based on level of care and medical paying status. My sister Terry in Hilo has been trying to live with her husband in the same foster care home for 2 years now without success.

I support this bill because no couple who is eligible for the same foster care home should have to ask for permission to live with their spouse. I fully support SB #190 and humbly ask that this bill be pushed through so that Sidney and Terry Kaide will be able to live out their sunset years together as husband and wife.

Charlotte Tetenka

Charlotte Tetsuka

# **RE: SB #190: Relating to Community Care Foster Family Home; Private Pay**

Dear Senator Chun Oakland and Committee Members.

I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients.

"In sickness and in health till death do us part," Marriage is a covenant that honors a husband and wife. Sidney and Terry Kaide have been married for 62 years and have been forced to live separately in their 80's because the program's criteria does not recognize their relationship as husband and wife but on their medical paying status. Married couples should be able to live together as husband and wife even in foster care homes where the patient ratio is based on level of care and medical paying status. have an aunt in Hilo who has been trying to live with her husband in the same foster care home for 2 years now without success.

I support this bill because no couple who is eligible for the same foster care home should have to be granted permission to live with their spouse. I support this bill wholeheartedly but also I recommend that this bill not restrict the age of the couple and the number of years married when both are eligible for the same foster care home. I fully support SB #190 with these recommendations and humbly ask that this bill be pushed through so that Sidney and Terry Kaide will be able to live out the rest of their lives together as husband and wife.

Joanne Forris

#### RE: Support for SB #190

Dear Senator Chun Oakland and Committee Members,

I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients. With our aging baby boomers and more people living longer lives these days, the number of married couples in need of the same type of care will only continue to multiply.

Marriage is a sacred union that honors husband and wife. Through the aging process, a couple should be able to live together as husband and wife even in foster care homes that must take in patients based on level of care and medical paying status. In fact I have a friend in Hilo who has been trying to live with her husband in the same foster care home for 2 years now without success. Sidney and Terry Kaide have been married for 62 years and have been forced to live separately in their 80's because the program's criteria does not recognize their relationship as husband and wife but on their medical paying status. I support this bill because no couple who is eligible for the same foster care home

should have to ask for permission to live with their spouse.

In order for this bill to benefit a wider audience of married couples for whom this bill is intended to serve, I recommend that this bill **not** restrict the age of the couple and the number of years married when both are eligible for the same foster care home. I fully support SB #190 with these recommendations and humbly ask that this bill be pushed through so that Sidney and Terry Kaide will be able to live out the rest of their lives together as husband and wife.

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My recommendation for this bill is to not restrict the age of the couple and the number of years married when both are eligible for the same foster care home. I fully support SB #190 with these recommendations and ask that you carefully consider how much of an impact this bill will have on Hawaii's aging population.

Sincerely,

Shifflelet

p.4

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Onana A Comahi

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p.2

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Jutter & Munch

p.6

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Jacq & Katkan Sincerely.

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Sally G. Dellyle

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CHUS RODOVE

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allion Santu

p.7

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Junk

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p.10

February 8, 2009

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Kay Tamarer

#### **RE:** Support for SB #190

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Sincerely, Sandra Hamano

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Maya Kondo

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Beatice kernoto

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Sincerely.

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Sincerely. a. Jacun

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Sincerely,

Jumiko Dakujaku

p.1

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yuri yakiro

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Sincerely, Lucian Watarake

p.3

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Sincerely,

Shungacho Ota

66

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Billion K. Hayashe

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pringer 1 Augui

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February 8, 2009

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Annie arts

p.7

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Toyoko Schinge

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matucko Shimise

p.10

February 5, 2009

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Care J. Myin

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fileian K. Udo

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Sincerely.

mich ghada

p.3

February 5, 2009

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Yorko Kumahiz

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Kinigs S. marutari

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Emy & Ba

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Jagree

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Sincerely, 2 with KENNETH K. KEMORI

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Jeanne & Stemon

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p.10

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In order for this bill to benefit a wider audience of married couples for whom this bill is intended to serve, I recommend that this bill **not** restrict the age of the couple and the number of years married when both are eligible for the same foster care home. I fully support SB #190 with these recommendations and humbly ask that this bill be pushed through so that Sidney and Terry Kaide will be able to live out the rest of their lives together as husband and wife.

Sincerely.

Sarahy het

#### **RE:** Support for SB #190

Dear Senator Chun Oakland and Committee Members,

I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients. With our aging baby boomers and more people living longer lives these days, the number of married couples in need of the same type of care will only continue to multiply.

Marriage is a sacred union that honors husband and wife. Through the aging process, a couple should be able to live together as husband and wife even in foster care homes that must take in patients based on level of care and medical paying status. I support this bill with a few recommendations aimed to benefit a wider audience of married couples for whom this bill is intended to serve.

My recommendation for this bill is to not restrict the age of the couple and the number of years married when both are eligible for the same foster care home. I fully support SB #190 with these recommendations and ask that you carefully consider how much of an impact this bill will have on Hawaii's aging population.

Sincerely,

Causte L. Lutrumi Causte L. Tsutsumi Ruth Cta John Cta

p.1

Annie Aoki Went around to get signatures. However, she, had more than person sign.

# RE: Support for SB #190

Dear Senator Chun Oakland and Committee Members,

I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients.

My recommendation for this bill is not restrict the age of the couple and the number of years married when both are eligible for the same foster care home.

Marriage is a sacred union that honors husband and wife. In respect of this commitment and honoring marriage vows made before God I believe that splitting couples goes against fortifying family unity.

Nobeko Niskiska Eva Zabahi Ellen Curry Formae Harr

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Tiffanie Kotak

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acqueline L. Sales. 190

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RAM K. IYO

p.5

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Kahealani Paradis

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Statson Paradis Statson paradis

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p.9

p.10

February 6, 2009

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Margant Ternoules

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~ Tunnion Yosepen

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Fillian Jaloons

98

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Cherry 5, narogense)

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(Delley F. Oreman Beneirdes Dellert J. Beneirdes husband & wife)

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Sharon Shanbaugh Box 141 Mt. Vien 12 76771

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Michael A. Shambough

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ROBERT Doney P.O. Box 252 KEAAU, Hi. 96749

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Albert 527 Mt. View, Hi 96771

p.1

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DeGrad 64-1061 Manualalwa Huy #208 Kanula H. 96743

107

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POBERT PARK BO. BOX 424 MT. View Hilo HI. 96771

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Ausan Daley

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I am supporting your proposed bill SB 190 that will allow married couples to be cared for in the same adult foster care home when both are private pay patients in programs that limit the number of private pay vs. Medicaid patients. With our aging baby boomers and more people living longer lives these days, the number of married couples in need of the same type of care will only continue to multiply.

Marriage is a sacred union that honors husband and wife. Through the aging process, a couple should be able to live together as husband and wife even in foster care homes that must take in patients based on level of care and medical paying status. In fact I have a friend in Hilo who has been trying to live with her husband in the same foster care home for 2 years now without success. Sidney and Terry Kaide have been married for 62 years and have been forced to live separately in their 80's because the program's criteria does not recognize their relationship as husband and wife but on their medical paying status.

I support this bill because no couple who is eligible for the same foster care home should have to ask for permission to live with their spouse.

In order for this bill to benefit a wider audience of married couples for whom this bill is intended to serve, I recommend that this bill **not** restrict the age of the couple and the number of years married when both are eligible for the same foster care home. I fully support SB #190 with these recommendations and humbly ask that this bill be pushed through so that Sidney and Terry Kaide will be able to live out the rest of their lives together as husband and wife.

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# DUSTYCARDINES

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Florence teolie

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LILLIAN B. KOLLER, ESQ. DIRECTOR

HENRY OLIVA DEPUTY DIRECTOR

## STATE OF HAWAII DEPARTMENT OF HUMAN SERVICES P. O. Box 339 Honolulu, Hawaii 96809

February 10, 2009

#### MEMORANDUM

- TO: Honorable Suzanne Chun Oakland, Chair Senate Committee on Human Services
- FROM: Lillian B. Koller, Director
- SUBJECT: S.B. 190, RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES

Hearing: Tuesday, February 10, 2009, 2:15 p.m. Conference Room 016, State Capitol

**PURPOSE:** The purpose of S.B. 190 is to allow a married couple consisting of two private pay clients who meet certain conditions to live in the same community care foster family home.

**DEPARTMENT'S POSITION**: The Department of Human Services (DHS) understands the intent of the S.B. 190, however, finds this bill to be in conflict with the purpose of community care foster family homes.

Community care foster family homes were primarily created to provide services to the Medicaid population who are those persons without the financial resources to purchase other types of longterm care services.

If community care foster family homes are allowed to accept additional private pay clients, this will unravel the capacity of AN EQUAL OPPORTUNITY AGENCY these homes to serve our Medicaid clients, and there will not be enough homes available to meet the needs of our most improvised residents. S.B.190 is the beginning of opening the program up to people, in numerous other situations, who have other options to provide for their long-term care.

There is more of a need for long-term care services for our Medicaid clients than Hawai'i has ever seen before with the population aging faster than national rates and more people having less available resources due to the difficult economic times everyone is facing.

DHS requests that this bill be deferred until further study can be given to this issue.

Thank you for the opportunity to testify.



#### **ON THE FOLLOWING MEASURE:**

S.B. NO. 190, RELATING TO COMMUNITY CARE FOSTER FAMILY HOME.

BEFORE THE: SENATE COMMITTEE ON HUMAN SERVICES	
DATE:	Tuesday, February 10, 2009 TIME: 2:15 PM
LOCATION:	State Capitol, Room 016
TESTIFIER(S):	Mark J. Bennett, Attorney General

or Cori K. Woo, Deputy Attorney General

Chair Chun Oakland and Members of the Committee:

The Department of the Attorney General provides these comments regarding a legal problem in this bill.

The purpose of this measure is to allow married couples who are both private pay clients to live in the same community care foster family home as long as each spouse is at least eighty years of age and the couple has been married to each other for at least forty years. The current requirement under section 346-331, Hawaii Revised Statutes, allows two adults at any one time, at least one of whom shall be a medicaid recipient, to reside in a community care foster family home. In addition, the Department of Human Services in its discretion may certify a home for a third adult; however, this adult must also be a medicaid recipient. The primary purpose for community care foster family homes is to service medicaid recipients.

This measure may be subject to challenge under the equal protection provision of the Fourteenth Amendment of the United States Constitution, and article I, section 5 of the Hawaii Constitution. The bill could be viewed as potentially discriminating against those individuals who are not at least eighty years of age and have not been married for at least forty years. For example, a married couple who are only in their seventies, or an elderly married couple who has been married for only thirty years instead of forty, or siblings who are both over eighty years old, may all wish to continue to reside together in a community care foster home.

These individuals are not members of a suspect classification (like race, religion, or gender) under the Equal Protection Clause. In analyzing alleged equal protection violations, classifications that are neither "suspect" nor "quasi-suspect" are subject to the rational basis test. <u>Del Rio v. Crake</u>, 87 Haw. 297, 305, 955 P.2d 90, 98 (1998), citing <u>Baehr v. Lewin</u>, 74 Haw. 530, 852 P.2d 44, reconsideration denied, 74 Haw. 645, 852 P.2d 74 (1993). Under the rational basis test, "the court essentially asks two questions: first, whether a statute rationally furthers a legitimate state interest, and second, whether any reasonable justification can be conceived to uphold the legislative enactment." <u>Del Rio v. Crake</u>, 87 Haw. 297, 305, 955 P.2d 90, 98 (1998), citing <u>Housing Fin. & Dev. Corp. v. Castle</u>, 79 Hawaii 64, 86, 898 P.2d 576, 598 (1995).

It is not clear what the state interest is for allowing only those individuals who are at least eighty years of age and married to each other for at least forty years to be permitted to reside together in a community care foster family home. In addition, it is unclear what the justification is for making the distinction between the married couples covered in the bill and other pairs of people. These issues should be addressed if this measure is to withstand constitutional scrutiny.