

A BILL FOR AN ACT

RELATING TO MEDICAID.

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

1 Independently performing activities of daily 2 living can become more difficult for individuals as they age. 3 large portion of Hawaii's aging population is medicaid-eligible 4 and find themselves in need of long-term care. shortage of care providers in Hawaii, the preference of the 5 6 elderly to age in place with their families, and the high cost 7 of long-term care, family caregiving has become more prevalent. 8 However, family caregivers are often uncompensated for their 9 services. According to a recent report by the AARP Public 10 Policy Institute in Washington, D.C., Hawaii has one hundred 11 sixty-nine thousand caregivers at any given time who provide 12 unpaid assistance to elderly, chronically ill, or disabled 13 family members or friends. The purpose of this Act is to allow 14 medicaid recipients who receive long-term care the option of using medicaid funds to pay family members for in-home care 15

services.

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1	SECTION 2. Section 346D-1, Hawaii Revised Statutes, is		
2	amended by adding a new definition to be appropriately inserted		
3	and to read as follows:		
4	"Family member" means the waiver program individual's		
5	birth parents, adoptive parents or stepparents, siblings or		
6	stepsiblings, children or stepchildren, grandparents,		
7	grandchildren, niece, nephew, aunt, uncle, or spouse who is at		
8	least eighteen years of age."		
9	SECTION 3. Section 346D-4, Hawaii Revised Statutes, is		
10	amended by amending subsection (b) to read as follows:		
11	"(b) The program shall provide the services in the most		
12	economic manner feasible which is compatible with preserving		
13	quality of care through:		
14	(1) Informal care providers, such as family members,		
15	friends, or neighbors who regularly provide specific		
16	services without remuneration and not as a part of any		
17	organized volunteer activity;		
18	(2) Family members hired and directed by the waiver		
19	program individual to provide specific approved in-		
20	home care services;		

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1	[(2)]	(3) Individual providers hired and directed by the	
2		waiver program individual to provide specific approved	
3		services;	
· 4	[(3)]	(4) Contracts with agency providers, such as home	
5		care agencies and public or private health and social	
6		service organizations;	
7	[-(4)-]	(5) Contracts with individual providers, such as	
8		counselors, nurses, therapists, and residential	
9		alternative program operators who provide services for	
10		the waiver program; and	
11	[-(5) -]	(6) Program personnel, such as social workers and	
12		nurses who are hired by the waiver program to provide	
13		specific services."	
14	SECTI	ON 4. It is the intent of this Act not to jeopardize	
15	the receip	ot of any federal aid. If any provision of this Act,	
16	or the application thereof to any person or circumstances, is		
17	found to be in conflict with federal requirements that are a		
18	prescribed condition for the allocation of federal funds to the		
19	State, the	e provision shall be deemed void; provided that the	
20	voided pro	vision shall not affect other provisions or	
21	applications of the Act that can be given effect without the		

- 1 voided provision or application, and to this end the provisions
- 2 of this Act are severable.
- 3 SECTION 5. Statutory material to be repealed is bracketed
- 4 and stricken. New statutory material is underscored.
- 5 SECTION 6. This Act shall take effect on July 1, 2013;
- 6 provided that on July 1, 2016, this Act shall be repealed and
- 7 sections 346D-1 and 346D-4(b), Hawaii Revised Statutes, shall be
- 8 reenacted in the form in which they read on the day prior to the

9 effective date of this Act.

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INTRODUCED BY:

JAN 1 8 2013

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Report Title:

Medicaid Home and Community-Based Waiver Programs; Family Member

Description:

Requires medicaid home and community-based waiver programs to allow family members hired and directed by the waiver program individual to provide specific approved in-home care services to the individual. Effective July 1, 2013.

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