
A BILL FOR AN ACT

RELATING TO KUPUNA CARE.

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

1 SECTION 1. The legislature finds that the State must find
2 new ways to accommodate a broader range of home- and community-
3 based long-term care options for Hawaii's rapidly growing
4 elderly population. According to 2015 population data from the
5 department of business, economic development, and tourism, there
6 are 236,914 persons, or 16.5 per cent of the population, 65
7 years and older in Hawaii, with the percentage of this
8 population projected to rise to 19.4 per cent by 2020 and 23 per
9 cent by 2030.

10 The legislature further finds that family caregivers play a
11 major role in the State's health care system by providing long-
12 term care to the elderly. According to AARP, there are 154,000
13 unpaid family caregivers in Hawaii, with the average caregiver
14 being a 62-year-old married woman who cares for an elderly
15 parent or husband while still working. Caregiving for an
16 elderly family member takes a toll on caregivers and care
17 recipients often worry they will become a burden on family



1 members. Numerous studies show that caregivers report higher
2 levels of psychological distress and caring for elderly family
3 members over extended periods without compensation can lead to
4 chronic stress. In some instances, adult children who work on
5 the mainland may have to return home to live, and abandon
6 careers in the process, in order to care for their parents at
7 home because it is the only alternative to expensive
8 institutional care. If children already live in Hawaii, they
9 often have to quit their jobs to stay home to care for aging
10 parents, which may result in financial disaster for the family
11 and a loss of tax revenue for the State. While caregivers play
12 a critical role in helping others, it is imperative that
13 caregivers take care of themselves and have the necessary
14 services and supports to sustain their own health as well as the
15 health of the family member for which they are caring.

16 The purpose of this Act is to:

17 (1) Require the executive office on aging to establish the
18 kupuna caregivers program, subject to available funds,
19 to assist community members in obtaining care for
20 elders while remaining in the workforce;



- 1 (2) Clarify the kupuna services and supports provided by
- 2 area agencies on aging within the kupuna care program
- 3 and make establishment of the kupuna care program
- 4 mandatory, subject to available funds; and
- 5 (3) Appropriate funds for the establishment and
- 6 implementation of the kupuna caregivers program.

7 SECTION 2. Chapter 349, Hawaii Revised Statutes, is
 8 amended by adding a new section to be appropriately designated
 9 and to read as follows:

10 "§349- Kupuna caregivers program. (a) The executive
 11 office on aging shall establish the kupuna caregivers program,
 12 subject to available funds. The program shall assist qualified
 13 caregivers who meet the requirements of this section.

14 (b) The program shall be coordinated and administered by
 15 the executive office on aging and implemented through the area
 16 agency on aging.

17 (c) The kupuna caregivers program shall award an
 18 allocation of funds of a maximum of \$70 per day to cover costs
 19 for the following services that would otherwise be performed by
 20 the qualified caregiver for the care recipient:

- 21 (1) Transportation and assisted transportation;



- 1 (2) Personal care;
- 2 (3) Respite care;
- 3 (4) Adult day care; or
- 4 (5) Chore and homemaker;

5 provided that the allocated funds shall be issued directly to
6 the service provider upon receipt and invoice for services
7 rendered.

8 (d) The director shall adopt rules pursuant to chapter 91
9 necessary for the purposes of this section.

10 (e) As used in this section, unless the context otherwise
11 requires:

12 "Activities of daily living" means activities that
13 individuals perform as part of daily living, including eating,
14 dresssing, bathing, toileting, transferring in and out of a bed
15 or chair, and walking.

16 "Adult day care" or "adult day health" means personal care
17 for dependent elders in a supervised, protective, and congregate
18 setting during some portion of a day. Services offered in
19 conjunction with adult day care or adult day health typically
20 include social and recreational activities, training,



1 counseling, and services such as rehabilitation, medication
2 assistance, and home health aide services for adult day health.

3 "Area agency on aging" means a state agency designated to
4 develop and administer the area plan for a comprehensive and
5 coordinated system of aging services.

6 "Assisted transportation" means assistance with
7 transportation, including escort, for a person who has cognitive
8 or physical difficulties using regular vehicular transportation.

9 "Attendant care" means stand-by assistance, supervision, or
10 cues, and may include other activities to help maintain the
11 independence of an individual at home. Attendant care does not
12 include provision of hands-on-the-body support, including but
13 not limited to weight-bearing assistance with transfers;
14 washing, bathing, or grooming an individual's body; or guiding
15 an individual's limbs or implements to assist with feeding or
16 dressings.

17 "Care coordination" means a person-centered, assessment-
18 based, interdisciplinary approach to integrating health care and
19 social support services that are tailored to an individual's
20 needs and goals across all care services.

21 "Care recipient" means an individual who:



- 1 (1) Is a citizen of the United States or a qualified
- 2 alien; provided that for the purposes of this
- 3 paragraph, "qualified alien" means a lawfully admitted
- 4 permanent resident under the Immigration and
- 5 Nationality Act;
- 6 (2) Is sixty years of age or older;
- 7 (3) Is not covered by any comparable government or private
- 8 home and community based care services;
- 9 (4) Does not reside in a long-term care facility, such as
- 10 an intermediate care facility, assisted living
- 11 facility, skilled nursing facility, hospital,
- 12 community care foster family home, adult residential
- 13 care home, or expanded adult residential care home;
- 14 and
- 15 (5) Has impairments of at least:
- 16 (A) Two activities of daily living;
- 17 (B) Two instrumental activities of daily living;
- 18 (C) One activity of daily living and one instrumental
- 19 activity of daily living; or
- 20 (D) Substantive cognitive impairment requiring
- 21 substantial supervision because the individual



1 behaves in a manner that poses a serious health
2 or safety hazard to the individual or another
3 person.

4 "Case management" means assistance either in the form of
5 access or care coordination in circumstances where an individual
6 is experiencing diminished functioning capacities, personal
7 conditions, or other characteristics that require the provision
8 of services by formal service providers or family caregivers.
9 Activities of case management may include assessing needs,
10 developing care plans, authorizing and coordinating services
11 among providers, and providing follow-up and reassessment, as
12 required.

13 "Chore" means assistance such as heavy housework, yard
14 work, or sidewalk maintenance for a person.

15 "Coach" means an individual who:

16 (1) Helps a care recipient understand a person-centered
17 support plan;

18 (2) Develops and implements a spending plan to describe
19 how a care recipient will spend the care recipient's
20 budget; and



1 (3) Evaluates whether the participant-directed program is
2 meeting a care recipient's needs.

3 "Family caregiver" means a spouse, adult child, other
4 relative, partner, or friend who has a personal relationship
5 with and provides a broad range of unpaid assistance for an
6 older adult with a chronic or disabling condition.

7 "Home delivered meals" means meals provided to a care
8 recipient in the individual's place of residence; provided that
9 the meal is served through a program administered by the
10 executive office on aging or an area agency on aging and meets
11 all of the requirements of the Older Americans Act of 1965 as
12 amended, and all state and local laws.

13 "Homemaker" means assistance with preparing meals, shopping
14 for personal items, managing money, using the telephone, or
15 performing light housework.

16 "Instrumental activities of daily living" means preparing
17 meals, shopping for personal items, medication management,
18 managing money, using the telephone, performing light housework,
19 performing heavy housework, and making use of available
20 transportation.

21 "Kupuna care core services" means services consisting of:



- 1 (1) Adult day care;
- 2 (2) Attendant care;
- 3 (3) Case management;
- 4 (4) Chore;
- 5 (5) Homemaker;
- 6 (6) Home delivered meals;
- 7 (7) Personal care;
- 8 (8) Transportation; or
- 9 (9) Assisted transportation.

10 "Person-centered support plan" means a plan developed by a
 11 care recipient with the assistance of a coach that allows the
 12 care recipient to establish goals, skills, and knowledge
 13 necessary to work toward the desired outcomes and lays out
 14 practical steps to the achievement of the goals; provided that
 15 family members and friends may provide assistance in developing
 16 a care recipient's plan if the care recipient chooses to include
 17 them.

18 "Personal care" means personal assistance, stand-by
 19 assistance, supervision, or cues.

20 "Qualified caregiver" means an individual who:

- 21 (1) Provides care for a care recipient; and



1 (2) Is employed at least thirty hours per week by one or
2 more employers.

3 "Respite care" means services which offer temporary,
4 substitute supports or living arrangements for care recipients
5 in order to provide a brief period of rest to qualified
6 caregivers, such as:

7 (1) In-home respite personal care, homemaker, and other
8 in-home respite;

9 (2) Respite provided by attendance of a care recipient at
10 adult day care;

11 (3) Institutional respite provided by placing a care
12 recipient in an institutional setting; and

13 (4) Any combination of services to assist a qualified
14 caregiver as deemed appropriate by the area agency on
15 aging.

16 "Transportation" means transportation from one location to
17 another with a vehicle and does not include any other activity.

18 SECTION 3. Section 349-3.1, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[-]§349-3.1[-] **Kupuna care program.** (a) The executive
21 office on aging [~~may~~] shall establish the kupuna care



1 program~~[r]~~, subject to available funds. The program shall
2 provide ~~[affordable and quality home and community-based~~
3 ~~services.]~~ long-term services and supports to address the needs
4 of Hawaii's older adults and their desire to remain in their own
5 homes and communities as they age.

6 (b) The program ~~[may be provided in every county as a~~
7 ~~function of the aging and disability resource centers.]~~ shall be
8 coordinated and administered by the executive office on aging
9 and implemented through the area agencies on aging.

10 (c) Kupuna care shall be administered through traditional
11 service delivery or a person-centered support plan for each
12 eligible care recipient; provided that:

13 (1) Traditional service delivery shall be a service
14 provider organization or person that provides services
15 to clients under a formal contractual arrangement with
16 the executive office on aging or an area agency on
17 aging who shall deliver to each care recipient one or
18 more kupuna care core services to address the specific
19 needs that have been identified in the care
20 recipient's person-centered planning; and



1 (2) A person-centered support plan shall address the care
2 recipient's assessed needs that have been identified
3 through the person-centered planning process and
4 documented in the support plan. A person-centered
5 support plan shall be long-term services and supports
6 that a care recipient uses to maintain independence in
7 the community, in which the care recipient determines
8 what mix of services and support will address the care
9 recipient's needs. The care recipient shall have
10 decision-making authority over their budgeted dollar
11 amount to purchase and manage needed services and
12 supports based upon their person-centered support
13 plan. A person-centered support plan shall provide
14 the care recipient with a coach to assist the care
15 recipient with using services and support in a manner
16 that best supports the care recipient's ability to
17 maintain independence and enable a quality living
18 experience in the community.

19 (d) To qualify for the kupuna care program, an individual
20 shall qualify as a care recipient pursuant to section 349- (e).



1 (e) An area agency on aging, through the aging and
2 disability resource center or other entity designated by the
3 executive office on aging, shall conduct an intake and
4 assessment of individuals seeking long-term services and
5 supports to determine eligibility for the kupuna care program.

6 The intake and assessment shall include the following:

7 (1) A statewide uniform intake process developed with and
8 adopted by the executive office on aging to
9 preliminarily determine eligibility for publicly
10 funded services and supports, including kupuna care
11 services; and

12 (2) If necessary, an assessment of each eligible care
13 recipient utilizing a statewide uniform comprehensive
14 in-home assessment. Upon completion of the in-home
15 assessment, the care recipient shall develop a written
16 individualized person-centered support plan, with
17 participation from family, friends, and others, if the
18 care recipient desires such additional assistance.

19 The person-centered support plan shall identify all of
20 the services and supports needed or currently used to
21 meet the care recipient's needs, formal and informal,



1 including those provided by other programs such as
2 medicaid or private paid programs. The plan shall be
3 reviewed with the care recipient to confirm that the
4 plan is the plan desired.

5 (f) An area agency on aging shall use the assessment data
6 and person-centered support plan to confirm kupuna care
7 eligibility then authorize and coordinate services and supports.
8 An area agency on aging shall directly authorize and allot
9 kupuna care services and shall not delegate the service
10 authorization function to any subcontractor.

11 (g) An individual shall be determined to be ineligible for
12 kupuna care services when:

13 (1) The individual does not meet the eligibility
14 requirements specified;

15 (2) The individual's need is not substantiated through an
16 in-home assessment;

17 (3) The individual leaves the State or the individual's
18 whereabouts are unknown; or

19 (4) The individual refuses services.



1 (h) An area agency on aging shall provide each individual
2 requestor with written notice of the disposition of a request
3 for kupuna care services.

4 (i) An individual who has been determined to be ineligible
5 for kupuna care services shall have the opportunity to appeal
6 the decision to the director of the executive office on aging
7 within ninety days after the date of the area agency on aging's
8 written notice of disposition. The director of the executive
9 office on aging's decision on the appeal shall be issued in
10 writing and shall be final.

11 (j) Prior to termination of kupuna care services, service
12 providers shall notify the appropriate contracting area agency
13 on aging of the date and reason for termination. Termination of
14 kupuna care services may occur if the care recipient:

- 15 (1) Moves and the service provider is unable to locate the
16 care recipient;
- 17 (2) Is transferred to another area agency on aging;
- 18 (3) Dies;
- 19 (4) No longer needs kupuna care services and supports;
- 20 (5) Is uncooperative with the service provider;



- 1 (6) Is non-compliant with the basic requirements of the
- 2 program;
- 3 (7) Engages in behavior that threatens or demonstrates
- 4 violence toward the service provider;
- 5 (8) Decides the care recipient no longer needs or wants a
- 6 particular service or support;
- 7 (9) Uses comparable services from other programs; or
- 8 (10) Has a communicable disease that threatens the safety
- 9 and welfare of the service provider.
- 10 (k) All area agencies on aging shall record all consumer
- 11 data, assessments, and service delivery within a statewide
- 12 consolidated database.

13 [~~e~~] (l) As used in this section, unless the context
 14 otherwise requires:

15 "Aging and disability resource centers" means an entity
 16 established by the State as part of the state system of long-
 17 term care, serving as a highly visible and trusted source where
 18 people of all incomes and ages can get information on the full
 19 range of long-term support options, and a single point of entry
 20 for access to public long-term support programs and benefits.

21 "Care recipient" has the same meaning as section 349- .



1 "Coach" has the same meaning as section 349- .

2 "Family caregivers" means a spouse, adult child, other
3 relative, partner, or friend who has a personal relationship
4 with, and provides a broad range of unpaid assistance for an
5 older adult with a chronic or disabling condition.

6 "Kupuna care core services" has the same meaning as section
7 349- .

8 "Person-centered plan" has the same meaning as section 349-
9 .

10 "Person-centered planning" means a process, directed by the
11 care recipient, intended to identify their strengths,
12 capacities, preferences, needs, and desired outcomes.

13 [~~(d)~~] (m) The director shall adopt rules pursuant to
14 chapter 91 necessary for the purposes of this section."

15 SECTION 4. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so much
17 thereof as may be necessary for fiscal year 2017-2018 and the
18 sum of \$ or so much thereof as may be necessary for
19 fiscal year 2018-2019 for the establishment and implementation
20 of the kupuna caregivers program.



1 The sums appropriated shall be expended by the executive
2 office on aging for the purposes of this Act.

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, 2070.



Report Title:

Kupuna Care; Caregivers; Executive Office on Aging;
Appropriation

Description:

Requires the executive office on aging to establish the kupuna caregivers program, subject to available funds, to assist community members in obtaining care for elders while remaining in the workforce. Makes establishment of the kupuna care program mandatory, subject to available funds. Clarifies the kupuna service and support options provided by area agencies on aging within the kupuna care program. Appropriates funds for establishing and implementing the kupuna caregivers program.
(SB534 HD1)

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