
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. The percentage of this population is
8 projected to rise to 19.4 per cent by 2020 and 23 per cent by
9 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
18 members. Numerous studies show that caregivers report higher



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

15 The purpose of this Act is to:

- 16 (1) Require the executive office on aging to establish the
17 kupuna caregivers program to assist community members
18 in obtaining care for elders while remaining in the
19 workforce;
- 20 (2) Clarify the kupuna services and supports provided by
21 area agencies on aging within the kupuna care program



1 and make establishment of the kupuna care program
2 mandatory; and
3 (3) Appropriate funds for the establishment and
4 implementation of the kupuna caregivers program.

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

8 "§349- Kupuna caregivers program. (a) The executive
9 office on aging shall establish the kupuna caregivers program.
10 The program shall provide assistance to a qualified caregiver
11 who meets the requirements of this section.

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

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

19 (1) Transportation;

20 (2) Personal care;

21 (3) Respite care;



1 (4) Adult day care; or

2 (5) Chore and homemaker;

3 provided that the voucher shall be issued directly to the
4 service provider.

5 (d) The director may adopt rules pursuant to chapter 91
6 necessary for the purposes of this section.

7 (e) As used in this section, unless the context otherwise
8 requires:

9 "Activities of daily living" shall be as defined in section
10 349-3.1.

11 "Adult day care" shall be as defined in section 349-3.1.

12 "Area agency on aging" shall be as defined in section 349-
13 3.1.

14 "Care recipient" means an individual who:

15 (1) Is a citizen of the United States or a qualified
16 alien; provided that for the purposes of this
17 paragraph, "qualified alien" means a lawfully admitted
18 permanent resident under the Immigration and
19 Nationality Act;

20 (2) Is sixty years of age or older;



1 (3) Is not covered by any comparable government or private
2 home and community based care services;

3 (4) Does not reside in a long-term care facility, such as
4 an intermediate care facility, assisted living
5 facility, skilled nursing facility, hospital,
6 community care foster family home, adult residential
7 care home, or expanded adult residential care home;
8 and

9 (5) Has impairments of at least:

10 (A) Two activities of daily living;

11 (B) Two instrumental activities of daily living;

12 (C) One activity of daily living and one instrumental
13 activity of daily living; or

14 (D) Substantive cognitive impairment requiring
15 substantial supervision because the individual
16 behaves in a manner that poses a serious health
17 or safety hazard to the individual or another
18 person.

19 "Chore" shall be as defined in section 349-3.1.

20 "Homemaker" shall be as defined in section 349-3.1.



1 "Instrumental activities of daily living" shall be as
2 defined in section 349-3.1.

3 "Personal care" shall be as defined in section 349-3.1.

4 "Qualified caregiver" means an individual who meets the
5 following requirements:

6 (1) Provides care for a care recipient; and

7 (2) Is employed at least thirty hours per week from one or
8 more employers.

9 "Respite care" shall be as defined in section 333F-1.

10 "Transportation" shall be as defined in section 349-3.1."

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

13 "[~~§~~349-3.1] **Kupuna care program.** (a) The executive
14 office on aging [~~may~~] shall establish the kupuna care program.
15 The program shall provide [~~affordable and quality home and~~
16 ~~community based services.~~] long-term services and supports to
17 address the needs of Hawaii's older adults and their desire to
18 remain in their own homes and communities as they age.

19 (b) The program [~~may be provided in every county as a~~
20 ~~function of the aging and disability resource centers.~~] shall be



1 coordinated and administered by the executive office on aging
2 and implemented through the area agency on aging.

3 (c) Kupuna care shall be delivered through two distinct
4 service options: traditional service delivery or participant-
5 directed services and support. Based on an individual support
6 plan, each eligible participant may access kupuna care services
7 and supports through one of two delivery options, through
8 traditional service delivery or participant-directed services
9 and support; provided that:

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

18 (2) Participant-directed services and support shall
19 address the participant's assessed needs that have
20 been identified through the person-centered planning
21 process and documented in the support plan.



1 Participant-directed services and support shall be
2 long-term services and supports that a participant
3 uses to maintain the participant's independence in the
4 community, in which the participant determines what
5 mix of services and support works best for the
6 participant. The participant shall have decision-
7 making authority over the participant's budgeted
8 dollar amount to purchase and manage the participant's
9 needed services and supports based on the
10 participant's person-centered support plan.

11 Participant-directed services and support shall
12 provide the participant with a coach to assist the
13 participant with using the services and support in a
14 manner that best supports the participant's ability to
15 maintain independence and enable a quality living
16 experience in the community.

17 (d) To qualify for the kupuna care program, an individual
18 shall:

19 (1) Be a citizen of the United States or a qualified
20 alien; provided that for the purposes of this
21 paragraph, "qualified alien" means a lawfully admitted



- 1 permanent resident under the Immigration and
- 2 Nationality Act;
- 3 (2) Be sixty years of age or older;
- 4 (3) Not be covered by any comparable government or private
- 5 home and community based services;
- 6 (4) Not reside in a long-term care facility, such as an
- 7 intermediate care facility, assisted living facility,
- 8 including participation in any care programs or
- 9 assisted living programs, skilled nursing facility,
- 10 hospital, community care foster family home, adult
- 11 residential care home, or expanded adult residential
- 12 care home; and
- 13 (5) Have impairments of at least:
- 14 (A) Two activities of daily living;
- 15 (B) Two instrumental activities of daily living;
- 16 (C) One activity of daily living and one instrumental
- 17 activity of daily living; or
- 18 (D) Substantive cognitive impairment requiring
- 19 substantial supervision because the individual
- 20 behaves in a manner that poses a serious health



1 or safety hazard to the individual or another
2 person.

3 (e) The area agency on aging, through the aging and
4 disability resource center or other entity designated by the
5 executive office on aging, shall conduct an intake and
6 assessment of individuals seeking long-term services and
7 supports to determine eligibility for the program. The intake
8 and assessment shall include the following:

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

13 (2) If warranted, an assessment of the eligible individual
14 utilizing a statewide uniform comprehensive in-home
15 assessment. Upon completion of the in-home
16 assessment, the individual develops a written
17 individualized person-centered support plan, with
18 participation from family, friends, and others, if the
19 individual desires such additional assistance. The
20 support plan identifies all of the services and
21 supports needed or currently used to meet the



1 individual's needs, formal and informal, including
2 those provided by other programs such as medicaid or
3 private paid programs. The plan shall be reviewed
4 with the individual to confirm it is the plan that the
5 individual desires.

6 (f) The area agency on aging shall use the assessment data
7 and individualized support plan to confirm kupuna care
8 eligibility then authorize and coordinate services and supports.
9 The area agency on aging shall directly authorize and allot
10 kupuna care services and shall not delegate the service
11 authorization function to any subcontractors.

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

14 (1) An individual does not meet the eligibility
15 requirements specified;

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

18 (3) An individual leaves the State or the individual's
19 whereabouts are unknown; or

20 (4) An individual refuses services.



1 (h) The area agency on aging shall provide an individual
2 with written notice of the disposition of a request for kupuna
3 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 notice of the area agency
8 on aging's written 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 contracting area agency on aging of
13 the date and reason for termination. Termination of kupuna care
14 services may occur if the participant:

15 (1) Moves and the provider is unable to locate the
16 participant;

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 participant 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 "Activities of daily living" means the following activities
16 that individuals perform as a part of daily living: eating,
17 dressing, bathing, toileting, transferring in and out of a bed
18 or chair, and walking.
- 19 "Adult day care" or "adult day health" means personal care
20 for dependent elders in a supervised, protective, and congregate
21 setting during some portion of a day. Services offered in



1 conjunction with adult day care or adult day health typically
2 include social and recreational activities, training,
3 counseling, and services such as rehabilitation, medication
4 assistance, and home health aide services for adult day health.

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

11 "Area agency on aging" means a state agency designated to
12 develop and administer the area plan for a comprehensive and
13 coordinated system of aging services.

14 "Assisted transportation" means assistance with
15 transportation, including escort, for a person who has
16 difficulties, cognitive or physical, using regular vehicular
17 transportation.

18 "Attendant care" means stand-by assistance, supervision, or
19 cues, and may include other activities to help maintain the
20 independence of an individual at home. Attendant care shall not
21 include providing hands-on-the-body support, including but not



1 limited to weight-bearing assistance with transfers; washing,
2 bathing, or grooming a participant's body; or guiding a
3 participant's limbs or implements to assist with feeding or
4 dressings.

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

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

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

20 "Coach" means an individual who:



- 1 (1) Helps the participant understand the program of
2 participant-directed supports;
- 3 (2) Develops and implements a spending plan to describe
4 how the participant will spend the participant's
5 budget; and
- 6 (3) Evaluates whether the participant-directed program is
7 meeting the participant's needs.

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

12 "Home delivered meals" means meals provided to a qualified
13 individual in the individual's place of residence; provided that
14 the meal is served through a program administered by the state
15 unit on aging or an area agency on aging and meets all of the
16 requirements of the Older Americans Act of 1965 as amended, and
17 all state and local laws.

18 "Homemaker" means assistance with preparing meals, shopping
19 for personal items, managing money, using the telephone, or
20 performing light housework.



1 "Instrumental activities of daily living" means the
2 following instrumental activities that individuals perform as a
3 part of daily living: preparing meals, shopping for personal
4 items, medication management, managing money, using the
5 telephone, performing light housework, performing heavy
6 housework, and making use of available transportation.

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

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

17 "Person-centered plan" means a plan developed by a
18 participant with the assistance of a coach that allows the
19 participant to establish goals, skills, and knowledge necessary
20 to work toward the desired outcomes and lays out practical steps
21 to the achievement of the goals; provided that family members



1 and friends may provide assistance in developing a participant's
2 plan if the participant chooses to include them.

3 "Person-centered planning" means a process, directed by the
4 participant, intended to identify the strengths, capacities,
5 preferences, needs, and desired outcomes of the participant.

6 "Personal care" means personal assistance, stand-by
7 assistance, supervision, or cues.

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

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

12 SECTION 4. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$600,000 or so much
14 thereof as may be necessary for fiscal year 2017-2018 and the
15 sum of \$6,000,000 or so much thereof as may be necessary for
16 fiscal year 2018-2019 for the establishment and implementation
17 of the kupuna caregivers program.

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

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect on July 1, 2017.

2



Report Title:

Kupuna Care; Caregivers; Executive Office on Aging;
Appropriation

Description:

Requires the executive office on aging to establish the kupuna caregivers program to assist community members in obtaining care for elders while remaining in the workforce. Makes establishment of the kupuna care program mandatory rather than discretionary. 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. (SD1)

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