

---

---

# 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



1 members. Numerous studies show that caregivers report higher  
2 levels of psychological distress, and caring for elderly family  
3 members over extended periods of time without compensation can  
4 lead to chronic stress. In some instances, adult children who  
5 work on the mainland may have to return home to live, and  
6 abandon careers in the process, in order to care for their  
7 parents at 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 to assist community members  
19 in obtaining care for elders while remaining in the  
20 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; 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 The program shall provide assistance to a qualified caregiver  
13 who meets 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 a voucher of  
18 a maximum of \$70 per day to cover costs for the following  
19 services that would otherwise be performed by the qualified  
20 caregiver for the care recipient:

21 (1) Transportation;



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

5 provided that the voucher shall be issued directly to the  
6 service provider.

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

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

11        "Activities of daily living" shall be as defined in section  
12 349-3.1.

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

14        "Area agency on aging" shall be as defined in section 349-  
15 3.1.

16        "Care recipient" means an individual who:

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



- 1        (2) Is sixty years of age or older;
- 2        (3) Is not covered by any comparable government or private
- 3        home and community based care services;
- 4        (4) Does not reside in a long-term care facility, such as
- 5        an intermediate care facility, assisted living
- 6        facility, skilled nursing facility, hospital,
- 7        community care foster family home, adult residential
- 8        care home, or expanded adult residential care home;
- 9        and
- 10       (5) Has impairments of at least:
- 11       (A) Two activities of daily living;
- 12       (B) Two instrumental activities of daily living;
- 13       (C) One activity of daily living and one instrumental
- 14       activity of daily living; or
- 15       (D) Substantive cognitive impairment requiring
- 16       substantial supervision because the individual
- 17       behaves in a manner that poses a serious health
- 18       or safety hazard to the individual or another
- 19       person.
- 20       "Chore" shall be as defined in section 349-3.1.
- 21       "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 for each eligible participant; provided that:

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

15 (2) Participant-directed services and support shall  
16 address the participant's assessed needs that have  
17 been identified through the person-centered planning  
18 process and documented in the support plan.  
19 Participant-directed services and support shall be  
20 long-term services and supports that a participant  
21 uses to maintain the participant's independence in the



1 community, in which the participant determines what  
2 mix of services and support works best for the  
3 participant. The participant shall have decision-  
4 making authority over the participant's budgeted  
5 dollar amount to purchase and manage the participant's  
6 needed services and supports based on the  
7 participant's person-centered support plan.  
8 Participant-directed services and support shall  
9 provide the participant with a coach to assist the  
10 participant with using the services and support in a  
11 manner that best supports the participant's ability to  
12 maintain independence and enable a quality living  
13 experience in the community.

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

16 (e) The area agency on aging, through the aging and  
17 disability resource center or other entity designated by the  
18 executive office on aging, shall conduct an intake and  
19 assessment of individuals seeking long-term services and  
20 supports to determine eligibility for the program. The intake  
21 and assessment shall include the following:



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

5       (2) If warranted, an assessment of the eligible individual  
6       utilizing a statewide uniform comprehensive in-home  
7       assessment. Upon completion of the in-home  
8       assessment, the individual develops a written  
9       individualized person-centered support plan, with  
10       participation from family, friends, and others, if the  
11       individual desires such additional assistance. The  
12       support plan identifies all of the services and  
13       supports needed or currently used to meet the  
14       individual's needs, formal and informal, including  
15       those provided by other programs such as medicaid or  
16       private paid programs. The plan shall be reviewed  
17       with the individual to confirm it is the plan that the  
18       individual desires.

19       (f) The area agency on aging shall use the assessment data  
20       and individualized support plan to confirm kupuna care  
21       eligibility then authorize and coordinate services and supports.



1 The area agency on aging shall directly authorize and allot  
2 kupuna care services and shall not delegate the service  
3 authorization function to any subcontractors.

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

6 (1) An individual does not meet the eligibility  
7 requirements specified;

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

10 (3) An individual leaves the State or the individual's  
11 whereabouts are unknown; or

12 (4) An individual refuses services.

13 (h) The area agency on aging shall provide an individual  
14 with written notice of the disposition of a request for kupuna  
15 care services.

16 (i) An individual who has been determined to be ineligible  
17 for kupuna care services shall have the opportunity to appeal  
18 the decision to the director of the executive office on aging  
19 within ninety days after the date of notice of the area agency  
20 on aging's written disposition. The director of the executive



1 office on aging's decision on the appeal shall be issued in  
2 writing and shall be final.

3 (j) Prior to termination of kupuna care services, service  
4 providers shall notify the contracting area agency on aging of  
5 the date and reason for termination. Termination of kupuna care  
6 services may occur if the participant:

7 (1) Moves and the provider is unable to locate the  
8 participant;

9 (2) Is transferred to another area agency on aging;

10 (3) Dies;

11 (4) No longer needs kupuna care services and supports;

12 (5) Is uncooperative with the service provider;

13 (6) Is non-compliant with the basic requirements of the  
14 program;

15 (7) Engages in behavior that threatens or demonstrates  
16 violence toward the service provider;

17 (8) Decides the participant no longer needs or wants a  
18 particular service or support;

19 (9) Uses comparable services from other programs; or

20 (10) Has a communicable disease that threatens the safety  
21 and welfare of the service provider.



1        (k) All area agencies on aging shall record all consumer  
2 data, assessments, and service delivery within a statewide  
3 consolidated database.

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

6        "Activities of daily living" means the following activities  
7 that individuals perform as a part of daily living: eating,  
8 dressing, bathing, toileting, transferring in and out of a bed  
9 or chair, and walking.

10       "Adult day care" or "adult day health" means personal care  
11 for dependent elders in a supervised, protective, and congregate  
12 setting during some portion of a day. Services offered in  
13 conjunction with adult day care or adult day health typically  
14 include social and recreational activities, training,  
15 counseling, and services such as rehabilitation, medication  
16 assistance, and home health aide services for adult day health.

17       "Aging and disability resource centers" means an entity  
18 established by the State as part of the state system of long-  
19 term care, serving as a highly visible and trusted source where  
20 people of all incomes and ages can get information on the full



1 range of long-term support options, and a single point of entry  
2 for access to public long-term support programs and benefits.

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  
8 difficulties, cognitive or physical, using regular vehicular  
9 transportation.

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

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



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

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

12       "Coach" means an individual who:

- 13       (1) Helps the participant understand the program of  
14       participant-directed supports;  
15       (2) Develops and implements a spending plan to describe  
16       how the participant will spend the participant's  
17       budget; and  
18       (3) Evaluates whether the participant-directed program is  
19       meeting the participant's needs.

20       "Family caregivers" means a spouse, adult child, other  
21 relative, partner, or friend who has a personal relationship



1 with, and provides a broad range of unpaid assistance for an  
2 older adult with a chronic or disabling condition.

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

9 "Homemaker" means assistance with preparing meals, shopping  
10 for personal items, managing money, using the telephone, or  
11 performing light housework.

12 "Instrumental activities of daily living" means the  
13 following instrumental activities that individuals perform as a  
14 part of daily living: preparing meals, shopping for personal  
15 items, medication management, managing money, using the  
16 telephone, performing light housework, performing heavy  
17 housework, and making use of available transportation.

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

- 19 (1) Adult day care;  
20 (2) Attendant care;  
21 (3) Case management;



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

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

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

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

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



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

3        SECTION 4. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$            or so much  
5 thereof as may be necessary for fiscal year 2017-2018 and the  
6 sum of \$            or so much thereof as may be necessary for  
7 fiscal year 2018-2019 for the establishment and implementation  
8 of the kupuna caregivers program.

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

11        SECTION 5. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13        SECTION 6. This Act shall take effect on July 1, 2050.



**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. Effective 7/1/2050. (SD2)

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

