
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 support and services 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) Direct 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 provided that it is the intent of the legislature that
8 the kupuna caregivers program be established
9 regardless of the availability of state funding, in
10 order to enable area agencies on aging to take
11 advantage of other moneys that may be available to
12 assist caregivers to remain in the workforce.

13 SECTION 2. Chapter 349, Hawaii Revised Statutes, is
14 amended by adding two new sections to part II to be
15 appropriately designated and to read as follows:

16 "§349-A Definitions. Unless the context clearly requires
17 a different meaning, when used in this part:

18 "Activities of daily living" means the following activities
19 that individuals perform as a part of daily living: eating,
20 dresssing, bathing, toileting, transferring in and out of a bed
21 or chair, and walking.



1 "Adult day care" or "adult day health" means personal care
2 for dependent elders in a supervised, protective, and congregate
3 setting during some portion of a day. Services offered in
4 conjunction with adult day care or adult day health typically
5 include social and recreational activities, training,
6 counseling, and services such as rehabilitation, medication
7 assistance, and home health aide services for adult day health.

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

14 "Area agency on aging" means an agency designated by the
15 executive office on aging to develop and administer the area
16 plan for a comprehensive and coordinated system of aging
17 services

18 "Assisted transportation" means assistance and
19 transportation, including escort, for a person who has cognitive
20 or physical difficulties using regular vehicular transportation.



1 "Attendant care" means stand-by assistance, supervision, or
2 cues, including verbal prompts for medication, bathing, eating,
3 grooming, and dressing, and may include other activities to help
4 maintain the independence of an individual at home. Attendant
5 care shall not include physical contact in support, including
6 but not limited to weight-bearing assistance with transfers,
7 washing, bathing, and dressing.

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

12 "Care recipient" means an individual who:

- 13 (1) Is a citizen of the United States or a qualified
14 alien; provided that for the purposes of this
15 paragraph, "qualified alien" means a lawfully admitted
16 permanent resident under the Immigration and
17 Nationality Act;
- 18 (2) Is sixty years of age or older;
- 19 (3) Is not covered by any comparable government or private
20 home- and community-based care services;



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

7 (5) Has impairments of at least:

8 (A) Two activities of daily living;

9 (B) Two instrumental activities of daily living;

10 (C) One activity of daily living and one instrumental
11 activity of daily living; or

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

17 "Case management" means assistance either in the form of
18 access or care coordination in circumstances where an individual
19 is experiencing diminished functioning capacities, personal
20 conditions, or other characteristics that require the provision
21 of services by formal service providers or family caregivers.



1 Activities of case management may include assessing needs,
2 developing care plans, authorizing and coordinating services
3 among providers, and providing follow-up and reassessment, as
4 required.

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

7 "Coach" means an individual who:

- 8 (1) Helps the care recipient understand the program of
9 participant-directed services and support;
10 (2) Develops and implements a spending plan to describe
11 how the care recipient will spend the care recipient's
12 budget; and
13 (3) Evaluates whether the participant-directed service and
14 support program is meeting the care recipient's needs.

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

19 "Home delivered meals" means a meal provided to a care
20 recipient in the care recipient's place of residence; provided
21 that the meal is served in a program administered by the



1 executive office on aging or an area agency on aging and meets
2 all of the requirements of the Older Americans Act of 1965, as
3 amended, and all state and local laws.

4 "Homemaker" means assistance with preparing meals, shopping
5 for personal items, managing money, using the telephone, or
6 performing light housework.

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

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

- 14 (1) Adult day care;
15 (2) Attendant care;
16 (3) Case management;
17 (4) Chore;
18 (5) Homemaker;
19 (6) Home delivered meals;
20 (7) Personal care;
21 (8) Transportation; or



- 1 (9) Assisted transportation.
- 2 "Person-centered plan" means a plan developed by a care
3 recipient with the assistance of a coach that allows the care
4 recipient to establish the goals, skills, and knowledge
5 necessary to work toward the desired outcomes and lays out
6 practical steps toward the achievement of the goals; provided
7 that family members and friends may provide assistance in
8 developing a care recipient's plan if the care recipient chooses
9 to include them.
- 10 "Person-centered planning" means a process, directed by the
11 care recipient, intended to identify the strengths, capacities,
12 preferences, needs, and desired outcomes of the care recipient.
- 13 "Personal care" means personal assistance, stand-by
14 assistance, supervision, or cues.
- 15 "Qualified caregiver" means an individual who meets the
16 following requirements:
- 17 (1) Provides care for a care recipient; and
18 (2) Is employed at least thirty hours per week from one or
19 more employers.
- 20 "Respite care" means services which offer temporary,
21 substitute supports, or living arrangements for care recipients



1 in order to provide a brief period of rest to caregivers.

2 "Respite care" includes:

3 (1) In-home respite (personal care, homemaker, and other
4 in-home respite);

5 (2) Respite provided by attendance of the care recipient
6 at a senior center or other nonresidential program;

7 (3) Institutional respite provided by placing the care
8 recipient in an institutional setting such as a
9 nursing home for a short period of time as a respite
10 service to the caregiver; and

11 (4) Any combination of services to assist the caregiver as
12 deemed appropriate by the area agency on aging.

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

15 §349-B Kupuna caregivers program. (a) The executive
16 office on aging shall establish the kupuna caregivers program.
17 The program shall provide assistance to a qualified caregiver
18 who meets the requirements of this section.

19 (b) The program shall be coordinated and administered by
20 the executive office on aging and implemented through the area
21 agency on aging.



1 (c) The kupuna caregivers program shall award an
2 allocation of funds, subject to the availability of funding and
3 up to a maximum of \$70 per day, to cover costs for the following
4 services that would otherwise be performed by the qualified
5 caregiver for the care recipient:

6 (1) Transportation or assisted transportation;

7 (2) Personal care;

8 (3) Respite care;

9 (4) Adult day care; or

10 (5) Chore and homemaker services;

11 provided that the allocated funds shall be issued directly to
12 the service provider upon request and receipt of an invoice for
13 services rendered.

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

16 SECTION 3. Chapter 349, Hawaii Revised Statutes, part II,
17 is amended by amending its title to read as follows:

18 "[+]PART II.[+] KUPUNA CARE AND CAREGIVER SUPPORT SERVICES"

19 SECTION 4. Section 349-3.1, Hawaii Revised Statutes, shall
20 be appropriately renumbered and included in part II of chapter
21 349, Hawaii Revised Statutes, and amended to read as follows:



1 " ~~§349-3.1~~ §349- Kupuna care program. (a) The
2 executive office on aging ~~[may]~~ shall establish the kupuna care
3 program. The program shall provide ~~[affordable and quality~~
4 ~~home and community based services.]~~ long-term services and
5 supports to address the needs of Hawaii's older adults and their
6 desire to remain in their own homes and communities as they age.

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

11 (c) The kupuna care program shall be delivered through two
12 distinct service options: traditional service delivery or
13 participant-directed services and support, based on an
14 individual support plan for each eligible care recipient;
15 provided that:

16 (1) Traditional service delivery shall be a service
17 provider organization or person who provides services
18 to clients under a formal contractual arrangement with
19 the executive office on aging or area agency on aging
20 who shall deliver to each care recipient one or more
21 kupuna care core services to address the care



1 recipient's specific needs that have been identified
2 in the care recipient's person-centered planning; and

3 (2) Participant-directed services and support shall
4 address the care recipient's assessed needs that have
5 been identified through the person-centered planning
6 process and documented in the support plan.

7 Participant-directed services and support shall
8 consist of long-term services and supports that a care
9 recipient uses to maintain independence in the
10 community, in which the care recipient determines what
11 mix of services and support will address the care
12 recipient's needs. The care recipient shall have
13 decision-making authority over the care recipient's
14 budgeted dollar amount to purchase and manage the
15 needed services and supports based upon the care
16 recipient's person-centered support plan.

17 Participant-directed services and support shall
18 provide the care recipient with a coach to assist the
19 care recipient with using the services and support in
20 a manner that best supports the care recipient's



1 ability to maintain independence and enable a quality
2 living experience in the community.

3 (d) To qualify for the kupuna care program, an individual
4 shall be a care recipient, as defined in section 349-A.

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

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

16 (2) If necessary, an assessment of the eligible care
17 recipient utilizing a statewide, uniform comprehensive
18 in-home assessment. Upon completion of the in-home
19 assessment, the care recipient develops a written
20 individualized person-centered support plan, with
21 participation from family, friends, and others, if the



1 care recipient desires such additional assistance.
2 The support plan identifies all the services and
3 supports needed or currently used to meet the care
4 recipient's needs, both formal and informal, including
5 those provided by other programs such as medicaid or
6 private paid programs. The plan shall be reviewed
7 with the care recipient to confirm that it is the plan
8 the care recipient desires.

9 (f) An area agency on aging shall use the assessment data
10 and individual's support plan to confirm kupuna care program
11 eligibility, then authorize and coordinate services and
12 supports. An area agency on aging shall directly authorize and
13 allot kupuna care services, and shall not delegate the service
14 authorization function to its subcontractors.

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

17 (1) An individual does not meet the eligibility
18 requirements specified;

19 (2) An individual need is not substantiated through an in-
20 home assessment;



1 (3) An individual leaves the State or the individual's
2 whereabouts are unknown; or

3 (4) An individual refuses services.

4 (h) An area agency on aging shall provide an individual
5 with written notice of the disposition of the request for kupuna
6 care services.

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

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

18 (1) Moves and the provider is unable to locate the care
19 recipient;

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

21 (3) Dies;



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

15 ~~[(c) As used in this section, unless the context otherwise~~
16 ~~requires:~~

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 ~~"Family caregivers" 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 ~~elder adult with a chronic or disabling condition.~~

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

9 SECTION 5. Until rules pertaining to the kupuna caregivers
10 program are adopted by the director of health, should the
11 director of health choose to do so, the existing rules
12 pertaining to the kupuna care program may be used as guidance,
13 when appropriate, for the kupuna caregivers program.

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

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



1 SECTION 7. In codifying the new sections added by section
2 2 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 8. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 9. This Act shall take effect on July 1, 2075.

8



Report Title:

Kupuna Care Program; Kupuna Caregivers Program; 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. Clarifies the kupuna service and support options provided by area agencies on aging within the program. Makes establishment of the kupuna care program mandatory rather than discretionary. Appropriates funds for establishing and implementing the kupuna caregivers program. Effective 7/1/2075. (SD1)

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