

JAN 20 2017

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# 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 over 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, which is the only alternative to expensive  
8 institutional care. If the children already live in Hawaii,  
9 they often have to quit their jobs to stay home to care for  
10 their aging parents, which may result in financial disaster for  
11 the family and a loss of tax revenue for the State. While  
12 caregivers play a critical role in helping others, it is  
13 imperative that caregivers take care of themselves and have the  
14 necessary supports and services to sustain their own health as  
15 well as the health of the family member for which they are  
16 caring.

17 The purpose of this Act is to:

- 18 (1) Authorize the executive office on aging to establish  
19 the kupuna caregivers program to assist community  
20 members who are providing care for elders to stay in  
21 the workforce;



1 (2) Clarify the kupuna services and supports provided by  
2 area agencies on aging within the kupuna care program;  
3 and

4 (3) Appropriate funds for the establishment and  
5 implementation of the kupuna caregivers program.

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

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

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

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

- 20 (1) Transportation;  
21 (2) Personal care services;



- 1        (3) Respite care;
- 2        (4) Adult day care; or
- 3        (5) Chores and homemaking services;

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

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

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

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

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

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

15        "Care recipient" means an individual who:

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

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



1        (3) 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        (4) 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        "Chores" shall be as defined in section 349-3.1.

18        "Homemaking" shall be as defined in section 349-3.1.

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

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



1 "Qualified caregiver" means an individual who meets the  
2 following requirements:

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

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

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

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

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

10 "[+]§349-3.1[+] **Kupuna care program.** (a) The executive  
11 office on aging [~~may~~] shall establish the kupuna care program.  
12 The program shall provide [~~affordable and quality home and~~  
13 ~~community-based services.~~] long-term supports and services to  
14 address the needs of Hawaii's older adults and their desire to  
15 remain in their own homes and communities as they age.

16 (b) The program [~~may be provided in every county as a~~  
17 ~~function of the aging and disability resource centers.~~] shall be  
18 coordinated and administered by the executive office on aging  
19 and implemented through the area agency on aging.

20 (c) Kupuna care shall be delivered through two distinct  
21 service options: traditional service delivery or participant-



1 directed services and support. Based on an individual support  
2 plan, each eligible participant may access kupuna care supports  
3 and services through traditional service delivery or  
4 participant-directed services and support; provided that:

5 (1) Traditional service delivery shall deliver to each  
6 participant one or more kupuna care core services to  
7 address the participant's specific needs that have  
8 been identified through the executive office on  
9 aging's process for person-centered planning; and

10 (2) Participant-directed services and support shall  
11 address the participant's specific needs that have  
12 been identified through the executive office on  
13 aging's process for person-centered planning.

14 Participant-directed services and support shall be  
15 long-term services and supports that a participant  
16 uses to maintain the participant's independence in the  
17 community, in which the participant determines what  
18 mix of services and support works best for the  
19 participant. The participant shall have decision-  
20 making authority over the participant's budgeted  
21 dollar amount to purchase and manage the participant's



1 needed services and supports based on the  
2 participant's person-centered plan. Participant-  
3 directed services and support shall provide the  
4 participant with a coach to assist the participant  
5 with using the services and support in a manner that  
6 best supports the participant's ability to maintain  
7 independence and enable a quality living experience in  
8 the community.

9 (d) To qualify for the kupuna care program, an individual  
10 shall:

- 11 (1) Be a citizen of the United States or a qualified  
12 alien; provided that for the purposes of this  
13 paragraph, "qualified alien" means a lawfully admitted  
14 permanent resident under the Immigration and  
15 Nationality Act;
- 16 (2) Be sixty years of age or older;
- 17 (3) Not reside in a long-term care facility, such as an  
18 intermediate care facility, assisted living facility,  
19 skilled nursing facility, hospital, community care  
20 foster family home, adult residential care home, or  
21 expanded adult residential care home; and



- 1        (4) Have impairments of at least:
- 2            (A) Two activities of daily living;
- 3            (B) Two instrumental activities of daily living;
- 4            (C) One activity of daily living and one instrumental
- 5            activity of daily living; or
- 6            (D) Substantive cognitive impairment requiring
- 7            substantial supervision because the individual
- 8            behaves in a manner that poses a serious health
- 9            or safety hazard to the individual or another
- 10           person.
  
- 11        (e) The area agency on aging, through the aging and
- 12        disability resource center or other entity designated by the
- 13        executive office on aging, shall conduct an intake and
- 14        assessment of individuals seeking long-term services and
- 15        supports to determine eligibility for the program. The intake
- 16        and assessment shall include the following:
  
- 17           (1) A statewide uniform intake developed with and adopted
- 18           by the executive office on aging to preliminarily
- 19           determine eligibility for public funded services and
- 20           supports, including kupuna care services; and



1        (2) If warranted, a written assessment of the individual's  
2        eligibility to utilize statewide uniform comprehensive  
3        in-home care within ninety days after written notice  
4        of the area agency on aging's decision regarding  
5        eligibility for kupuna services; provided that the  
6        director's decision shall be issued in writing and  
7        shall be final.

8        (f) Prior to termination of kupuna care services, service  
9        providers shall notify the contracting area agency on aging of  
10       the date and reason for termination. Termination of kupuna care  
11       services may occur if the participant:

- 12       (1) Moves and the provider is unable to locate the  
13       participant;
- 14       (2) Is transferred to another area agency on aging;
- 15       (3) Dies;
- 16       (4) No longer needs kupuna care services and supports;
- 17       (5) Is uncooperative with the service provider;
- 18       (6) Is non-compliant with the basic requirements of the  
19       program;
- 20       (7) Engages in behavior that threatens or demonstrates  
21       violence toward the service provider;



1       (8) Decides the participant no longer needs or wants a  
2           particular service;

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

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

6       (g) All area agencies on aging shall record all consumer  
7       data, assessments, and service delivery within a statewide  
8       consolidated database.

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

11       "Activities of daily living" means the following activities  
12       that individuals perform as a part of daily living: eating,  
13       dressng, bathing, toileting, transferring in and out of a bed  
14       or chair, and walking or moving about by other means within the  
15       home.

16       "Adult day care" or "adult day health" means personal care  
17       for an individual in a supervised, protective, and congregate  
18       setting during some portion of a day.

19       " Aging and disability resource centers" means an entity  
20 established by the State as part of the state system of long-  
21 term care, serving as a highly visible and trusted source where



1 people of all incomes and ages can get information on the full  
2 range of long-term support options, and a single point of entry  
3 for access to public long-term support programs and benefits.

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

7 "Assisted transportation" means an individual who has  
8 difficulties, cognitive or physical in nature, and who needs  
9 assistance in using regular vehicular 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 dressng.

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        "Chores" means activities such as heavy housework, yard  
11 work, or general home maintenance.

12        "Coach" means an individual who:

- 13        (1) Helps the self-directing participant understand the  
14        program of self-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 self-direction 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 "Homemaking" means activities such as preparing meals,  
4 shopping for personal items, managing money, or performing light  
5 housework.

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

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

- 13 (1) Adult day care;
- 14 (2) Attendant care;
- 15 (3) Case management;
- 16 (4) Chores;
- 17 (5) Homemaking;
- 18 (6) Nutrition and meal delivery;
- 19 (7) Personal care;
- 20 (8) Transportation; or
- 21 (9) Assisted Transportation.



1       "Nutrition and meal delivery" means the delivery of a meal  
2 to a qualified individual at the individual's place of  
3 residence.

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

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

14       "Personal care" means personal assistance, including hands-  
15 on-the-body support, stand-by assistance, supervision, or cues,  
16 to assist a participant with activities of daily living.

17       "Qualified individual" means an individual who is sixty  
18 years of age or older and homebound by reason of illness or  
19 incapacitating disability, or is otherwise isolated.

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





*W. J. O'Neil*

*Will Eger*  
*Breene Hunt*

*J. J. K.*

*J. L. D.*

*Clarence K. Smith*



# S.B. NO. 534

**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 who are providing care for elders to stay in the workforce. 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.

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