
A BILL FOR AN ACT

RELATING TO SERVICES FOR KUPUNA.

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

1 SECTION 1. The legislature finds that Act 238, Session
2 Laws of Hawaii 2012, established the kupuna care program within
3 the executive office on aging to provide long-term services and
4 supports to address the needs of Hawaii's kupuna wishing to age
5 in their own homes. The program is implemented through the area
6 agencies on aging in each county. The program offers two
7 service options: traditional service delivery through
8 contracted providers or participant-directed services and
9 supports.

10 Act 102, Session Laws of Hawaii 2017, established the
11 kupuna caregivers program in the executive office on aging to
12 focus on working caregivers and provide assistance to enable
13 caregivers to remain in the workforce. The county area agencies
14 on aging implement and execute the kupuna caregivers program.
15 For the kupuna caregivers program, the qualified caregiver must
16 work at least thirty hours per week and is awarded \$70 per day
17 paid to the contracted provider with the area agency on aging



1 and providing care to the care recipient. If additional
2 services are needed for the care recipient, kupuna care services
3 are also provided.

4 The legislature further finds that Act 126, Session Laws of
5 Hawaii 2019, increased the amount provided to caregivers to \$210
6 per week to allow provider agencies more flexibility to increase
7 the number of caregivers receiving services. Due to the
8 COVID-19 pandemic in 2020, many caregivers lost their jobs and
9 contracted service providers either closed or decreased their
10 services. This increased the burden on caregivers and their
11 caregiving duties. With the uncertainty of the State's economic
12 situation and when businesses will be able to recover,
13 caregivers and service have been forced to develop a new normal.
14 To give more flexibility to the kupuna caregivers program, the
15 executive office on aging recommends that the area agencies on
16 aging be allowed more options to better serve kupuna and their
17 caregivers.

18 The purpose of this Act is to amend kupuna care and
19 caregiver support services laws to:

20 (1) Expand the definition of "coach" to include an
21 individual that assists the care recipient and



1 caregiver with enrollment into programs and completing
2 necessary forms;

3 (2) Amend the definition of "person-centered support plan"
4 to mean a plan developed by a care recipient and the
5 recipient's qualified caregiver that identifies the
6 needs of the care recipient and allows the caregiver
7 to remain in the workforce;

8 (3) Allow qualified caregivers to work less than thirty
9 hours a week or be unemployed during a declared state
10 of emergency;

11 (4) Add traditional services and kupuna caregiver-directed
12 services to the kupuna caregivers program; and

13 (5) Allow funds allocated to qualified caregivers under
14 the kupuna caregivers program to be issued directly to
15 a financial management service provider.

16 SECTION 2. Section 349-16, Hawaii Revised Statutes, is
17 amended as follows:

18 1. By adding a new definition to be appropriately inserted
19 and to read:

20 "Financial management service provider" means a service
21 provider who is a fiscal agent and is responsible for financial



1 payments on behalf of the care recipient enrolled in a
2 participant-directed or kupuna caregiver-directed program."

3 2. By amending the definition of "coach" to read:

4 ""Coach" means an individual who:

5 (1) Helps the care recipient understand the program of
6 participant-directed services and support;

7 (2) Develops and implements a spending plan to describe
8 how the care recipient will spend the care recipient's
9 budget; [~~and~~]

10 (3) Evaluates whether the participant-directed service and
11 support program is meeting the care recipient's
12 needs[~~-~~]; and

13 (4) Assists the care recipient and caregiver with
14 enrollment into programs and completing necessary
15 forms, including but not limited to state and federal
16 tax forms, privacy and confidentiality forms, criminal
17 background checks, financial management forms,
18 employer- and employee-related forms, and forms
19 requested by the executive office on aging."

20 3. By amending the definition of "homemaker services" to
21 read:



1 "Homemaker [services]" means services that provide
2 assistance with preparing meals, shopping for personal items,
3 managing money, using the telephone, or performing light
4 housework."

5 4. By amending the definition of "kupuna care core
6 services" to read:

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

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

17 5. By amending the definitions of "person-centered support
18 plan" or "support plan" and "qualified caregiver" to read:

19 "Person-centered support plan" or "support plan" means a
20 plan developed by a care recipient [~~with the assistance of a~~
21 ~~each~~] and the recipient's qualified caregiver that [allows]



1 identifies the needs of the care recipient [~~to establish the~~
2 ~~goals, skills, and knowledge necessary to work toward the~~
3 ~~desired outcomes and lays out practical steps toward the~~
4 ~~achievement of the goals; provided that family members and~~
5 ~~friends may provide assistance in developing a care recipient's~~
6 ~~plan if the care recipient chooses to include them.~~] and allows
7 the caregiver to remain in the workforce.

8 "Qualified caregiver" means an individual who meets the
9 following requirements:

- 10 (1) Provides care for a care recipient; and
11 (2) Is employed at least thirty hours per week by one or
12 more employers[~~+~~], or has reduced hours or is
13 unemployed during a declared state of emergency.

14 "Respite care" means services that offer temporary,
15 substitute supports, or living arrangements for care recipients
16 to provide a brief period of rest to qualified caregivers.

17 "Respite care" includes:

- 18 (1) In-home respite (personal care, homemaker [~~services~~],
19 and other in-home respite);
20 (2) Respite provided by attendance of the care recipient
21 at a nonresidential program;



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

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

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

9 "[+]§349-18[+] **Kupuna caregivers program.** (a) The
10 executive office on aging may establish the kupuna caregivers
11 program. The program shall provide 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. The executive office on aging shall develop
16 and implement a plan to maximize the number of caregivers served
17 by the program.

18 (c) The kupuna caregivers program shall be delivered
19 through two distinct service options: traditional service
20 delivery or kupuna caregiver-directed services (kupuna
21 caregiver-directed services), based on a support plan for each



1 eligible care recipient and the care recipient's qualified
2 caregiver; provided that:

- 3 (1) Traditional service delivery shall be through a
4 service provider organization or person who provides
5 services to clients under a formal contractual
6 arrangement with the executive office on aging or area
7 agency on aging who shall deliver to each care
8 recipient one or more services identified in
9 subsection (d) to address the care recipient's
10 specific needs that have been identified in the care
11 recipient and caregiver's support plan; and
- 12 (2) Kupuna caregiver-directed services shall address the
13 care recipient's assessed needs and allow for the
14 qualified caregiver to remain in the workforce. The
15 care recipient and qualified caregiver shall have
16 shared decision-making authority over the budgeted
17 dollar amount to purchase and manage the needed
18 services and supports. Kupuna caregiver-directed
19 services shall provide the care recipient and
20 caregiver with a coach to assist the care recipient
21 with enrollment into the kupuna caregiver-directed



1 program to maintain independence and a quality living
2 experience in the community, and assist the caregiver
3 with enrollment into the kupuna caregiver-directed
4 program to maintain employment.

5 [~~(e)~~] (d) The kupuna caregivers program shall award an
6 allocation of funds, subject to the availability of funding and
7 up to a maximum of \$210 per week, to cover costs for services
8 that would otherwise be performed by the qualified caregiver for
9 the care recipient, including but not limited to:

- 10 (1) Care coordination or case management;
- 11 (2) Adult day care;
- 12 (3) Assisted transportation;
- 13 (4) Chores;
- 14 (5) Home-delivered meals;
- 15 (6) Homemaker [~~services~~];
- 16 (7) Personal care;
- 17 (8) Respite care; or
- 18 (9) Transportation;

19 provided that the allocated funds shall be issued directly to
20 the service provider or financial management service provider
21 upon request and receipt of an invoice for services rendered."



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2060.



Report Title:

Executive Office on Aging; Kupuna Care; Kupuna Caregivers

Description:

Amends the definitions "coach" and "person-centered support plan" under kupuna care and caregiver support services laws. Allows for qualified caregivers to continue providing services even if they work less than thirty hours a week or are unemployed during a declared state of emergency. Adds traditional services and kupuna caregiver-directed services to the kupuna caregivers program. Allows funds allocated to qualified caregivers under the program to be issued directly to a financial management service provider. Effective 07/01/2060. (HD1)

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