
A BILL FOR AN ACT

RELATING TO SERVICES FOR KUPUNA.

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

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

9 In 2017, the legislature established the kupuna caregivers
10 program in the executive office on aging to focus on working
11 caregivers and provide assistance to enable them to remain in
12 the workforce. The county area agencies on aging implement and
13 execute the kupuna caregivers program. For the kupuna
14 caregivers program, the qualified caregiver must work at least
15 thirty hours per week and is awarded \$70 per day paid to the
16 contracted provider with the county area agency on aging and
17 providing care to the care recipient. If additional services



1 are needed for the care recipient, kupuna care services are also
2 provided. In 2019, the legislature modified the amount provided
3 to caregivers to \$210 per week to allow provider agencies more
4 flexibility to increase the number of caregivers receiving
5 services. Due to the coronavirus disease 2019 pandemic in 2020,
6 many caregivers lost their jobs and contracted service providers
7 either closed or decreased the provision of services. This
8 increased the burden on caregivers and their caregiving duties.
9 With the uncertainty of the State's economic situation and when
10 businesses will be able to recover, caregivers and services have
11 been forced to develop a "new normal". To give more flexibility
12 to the kupuna caregivers program, the executive office on aging
13 recommends that the area agencies on aging be allowed to have
14 more options to better serve kupuna and their caregivers.

15 The purpose of this Act is to amend chapter 349, part II,
16 Hawaii Revised Statutes, entitled kupuna care and caregiver
17 support services, to allow for qualified caregivers to work less
18 than thirty hours per week during a declared state of emergency,
19 add the definition of a "financial management service provider",
20 and add traditional services and kupuna caregiver-directed
21 services to the kupuna care program.



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

3 1. By adding a new definition to be appropriately
4 inserted and to read:

5 "Financial management service provider" means a service
6 provider who is a fiscal agent and is responsible for financial
7 payments on behalf of the care recipient enrolled in a
8 participant-directed or kupuna caregiver-directed program.

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

10 "Coach" means an individual who:

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

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

16 (3) Evaluates whether the participant-directed service and
17 support program is meeting the care recipient's
18 needs[~~+~~]; and

19 (4) Assists the care recipient and caregiver with
20 enrollment into programs and completing necessary
21 forms, including but not limited to, state and federal



1 tax forms, privacy and confidentiality forms, criminal
 2 background checks, financial management forms,
 3 employer and employee related forms, and forms
 4 requested by the executive office on aging.

5 3. By amending the definition of "homemaker" to read:

6 "Homemaker [~~services~~]" means services that provide
 7 assistance with preparing meals, shopping for personal items,
 8 managing money, using the telephone, or performing light
 9 housework.

10 4. By amending the definition of "kupuna care core
 11 services" to read:

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,~~] Chore performance;
- 17 (5) Homemaker [~~services~~];
- 18 (6) Home-delivered meals;
- 19 (7) Personal care;
- 20 (8) Transportation; or
- 21 (9) Assisted transportation.



1 5. By amending the definition of "person-centered support
2 plan" to read:

3 "Person-centered support plan" or "support plan" means a
4 plan developed ~~[by a]~~ with the care recipient ~~[with the~~
5 ~~assistance of a coach]~~ and the recipient's qualified caregiver
6 that ~~[allows]~~ identifies the needs and desired outcomes of the
7 care recipient ~~[to establish the goals, skills, and knowledge~~
8 ~~necessary to work toward the desired outcomes and lays out~~
9 ~~practical steps toward the achievement of the goals; provided~~
10 ~~that family members and friends may provide assistance in~~
11 ~~developing a care recipient's plan if the care recipient chooses~~
12 ~~to include them.]~~ and allows the recipient's qualified caregiver
13 to remain in the workforce.

14 6. By amending the definitions of "qualified caregiver"
15 and "respite care" to read:

16 "Qualified caregiver" means an individual who meets the
17 following requirements:

- 18 (1) Provides care for a care recipient; and
- 19 (2) Is employed at least thirty hours per week by one or
20 more employers~~[.];~~ provided that the requirements of



1 this paragraph shall not apply during a declared state
2 of emergency.

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

6 "Respite care" includes:

- 7 (1) In-home respite [+], including personal care,
- 8 homemaker [~~services~~], and other in-home respite[+];
- 9 (2) Respite provided by attendance of the care recipient
- 10 at a nonresidential program;
- 11 (3) Institutional respite provided by placing the care
- 12 recipient in an institutional setting such as a
- 13 nursing home for a short period of time as a respite
- 14 service to the caregiver; and
- 15 (4) Any combination of services to assist the caregiver as
- 16 deemed appropriate by the area agency on aging."

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

19 "**§349-18 Kupuna caregivers program.** (a) The executive
20 office on aging may establish the kupuna caregivers program.



1 The program shall provide assistance to a qualified caregiver
2 who meets the requirements of this section.

3 (b) The program shall be coordinated and administered by
4 the executive office on aging and implemented through the area
5 agency on aging. The executive office on aging shall develop
6 and implement a plan to maximize the number of caregivers served
7 by the program.

8 (c) The kupuna caregivers program shall provide services
9 based on a support plan for each eligible care recipient and the
10 care recipient's qualified caregiver, and shall be delivered
11 through two distinct service options: traditional service
12 delivery or kupuna caregiver-directed services; provided that:

13 (1) Traditional service delivery shall be through a
14 service provider organization or person who provides
15 services to clients under a formal contractual
16 arrangement with the executive office on aging or area
17 agency on aging and who shall deliver to each care
18 recipient one or more services identified in
19 subsection (d) to address the care recipient's
20 specific needs that have been identified in the care
21 recipient's and caregiver's support plan; and



1 (2) Kupuna caregiver-directed services shall address the
2 care recipient's assessed needs and allow for the
3 qualified caregiver to remain in the workforce. The
4 care recipient and qualified caregiver shall share
5 decision-making authority over the budgeted dollar
6 amount to purchase and manage the needed services and
7 supports. Kupuna caregiver-directed services shall
8 provide the care recipient and caregiver with a coach
9 to assist the care recipient with enrollment into the
10 kupuna caregiver-directed program to maintain
11 independence and a quality living experience in the
12 community, and assist the caregiver with enrollment
13 into the kupuna caregiver-directed program to maintain
14 employment.

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

- 20 (1) Care coordination or case management;
- 21 (2) Adult day care;



- 1 (3) Assisted transportation;
- 2 (4) [~~Chores,~~] Chore performance;
- 3 (5) Home-delivered meals;
- 4 (6) Homemaker [~~services~~];
- 5 (7) Personal care;
- 6 (8) Respite care; or
- 7 (9) Transportation;

8 provided that the allocated funds shall be issued directly to
 9 the service provider or financial management service provider
 10 upon request and receipt of an invoice for services rendered.

11 [~~(d)~~] (e) The director may adopt rules pursuant to chapter
 12 91 necessary for the purposes of this section."

13 SECTION 4. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Executive Office on Aging; Kupuna Care; Kupuna Caregivers

Description:

Includes in the kupuna caregivers program kupuna caregiver-directed services. Includes financial management service provider and additional duties for the coach. Allows for qualified caregivers to work less than 30 hours per week during a declared state of emergency. 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.

