

JAN 22 2021

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.
3 The program provides long-term services and support to address
4 the needs of Hawaii's kupuna and their desire to remain in their
5 own homes and communities as they age. The program is
6 implemented through the area agencies on aging in each county
7 and offers two service options, traditional service delivery
8 through contracted service providers and participant-directed
9 services and supports.

10 In 2017, the legislature established the kupuna caregivers
11 program in the executive office on aging to financially assist
12 employed individuals in obtaining care for their kupuna while
13 remaining in the workforce. The program is implemented through
14 the county area agencies on aging and awards \$70 per day to
15 qualified caregivers for contracted service provider costs for
16 services that would otherwise be performed by the qualified
17 caregiver. Under the program, an individual must be employed at



1 least thirty hours per week to be a qualified caregiver and the
2 funding for costs for services is issued directly to the service
3 provider. If additional services are needed for the care
4 recipient, kupuna care services are also provided.

5 In 2019, the legislature increased the amount of funds
6 allocated to a qualified caregiver to \$210 per week to allow the
7 program agencies more flexibility to increase the number of
8 caregivers served by the program.

9 In 2020, due to the coronavirus disease 2019 (COVID-19)
10 pandemic, many caregivers lost their jobs and contracted service
11 providers either closed or decreased their services. This
12 increased the burden on caregivers and their caregiving duties.
13 With the uncertainty of the State's economic outlook and the
14 recovery of businesses, caregivers and services have been forced
15 to develop a "new normal". To give more flexibility to the
16 kupuna caregivers program, the executive office on aging
17 recommends that the area agencies on aging be allowed more
18 options to better serve kupuna and their caregivers.

19 The purpose of this Act is to:



- 1 (1) Relax the thirty-hour employment requirement for
- 2 qualified caregivers under the kupuna caregiver
- 3 program during a state-declared state of emergency;
- 4 (2) Allow the kupuna caregiver program to be delivered
- 5 through traditional and kupuna caregiver-directed
- 6 services; and
- 7 (3) Allow the funds under the kupuna caregivers program to
- 8 be issued to the care recipient's financial management
- 9 service provider.

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

12 1. By adding a new definition to be appropriately inserted
13 and to read:

14 "Financial management service provider" means a service
15 provider who is a fiscal agent that is responsible for making
16 financial payments on behalf of a care recipient enrolled in a
17 participant-directed or kupuna caregiver-directed program."

18 2. By amending the definitions of "coach", "homemaker
19 services", "kupuna care core services", "person-centered support
20 plan" or "support plan", "qualified caregiver" and "respite
21 care" to read:



- 1 ""Coach" means an individual who:
- 2 (1) Helps the care recipient understand the program of
- 3 participant-directed services and support;
- 4 (2) Develops and implements a spending plan to describe
- 5 how the care recipient will spend the care recipient's
- 6 budget; [and]
- 7 (3) Evaluates whether the participant-directed service and
- 8 support program is meeting the care recipient's
- 9 needs [-]; and
- 10 (4) Assists the care recipient and family caregiver with
- 11 the program's enrollment process, including completing
- 12 necessary forms such as state and federal tax forms,
- 13 privacy and confidentiality forms, criminal background
- 14 check forms, financial management forms, employer and
- 15 employee related forms, and other forms requested by
- 16 the executive office on aging for enrollment.

17 [~~"Homemaker services"~~] "Homemaking" means services that

18 provide assistance with preparing meals, shopping for personal

19 items, managing money, using the telephone, or performing light

20 housework.

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



- 1 (1) Adult day care;
- 2 (2) Attendant care;
- 3 (3) Case management;
- 4 (4) ~~[Chores,]~~ Chore;
- 5 (5) ~~[Homemaker services,]~~ Homemaking;
- 6 (6) Home-delivered meals;
- 7 (7) Personal care;
- 8 (8) Transportation; or
- 9 (9) Assisted transportation.

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

20 "Qualified caregiver" means an individual who meets the
21 following requirements:



- 1 (1) Provides care for a care recipient; and
- 2 (2) Is employed at least thirty hours per week by one or
- 3 more employers[-]; provided that upon issuance of a
- 4 proclamation by the governor declaring a state of
- 5 emergency in the State under section 127A-14, the
- 6 executive office on aging may reduce the required
- 7 hours or eliminate this requirement during the
- 8 emergency period.

9 "Respite care" includes:

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

20 SECTION 3. Section 349-18, Hawaii Revised Statutes, is

21 amended to read as follows:



1 "§349-18 Kupuna caregivers program. (a) The executive
2 office on aging may establish the kupuna caregivers program.
3 The program shall provide assistance to a qualified caregiver
4 who meets the requirements of this section.

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

10 (c) The kupuna caregivers program shall be delivered
11 through the following two distinct service options based on the
12 support plan for each eligible care recipient and the care
13 recipient's qualified caregiver:

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



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

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

21 (1) Care coordination or case management;



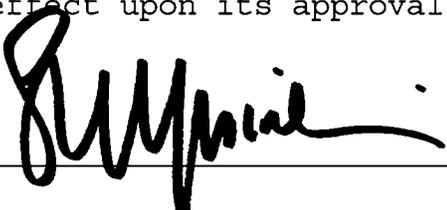
- 1 (2) Adult day care;
- 2 (3) Assisted transportation;
- 3 (4) [~~Chores,~~] Chore;
- 4 (5) Home-delivered meals;
- 5 (6) [~~Homemaker services,~~] Homemaking;
- 6 (7) Personal care;
- 7 (8) Respite care; or
- 8 (9) Transportation;

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

13 [~~d~~] e The director may adopt rules pursuant to chapter
 14 91 necessary for the purposes of this section."

15 SECTION 4. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval.

18
 INTRODUCED BY: 



S.B. NO. 838

Report Title:

Executive Office on Aging; Kupuna Care Program; Kupuna Caregivers Program; Kupuna Care and Caregiver Support Services; Kupuna Caucus

Description:

Allows the executive office of aging to relax the thirty-hour employment requirement for qualified caregivers under the Kupuna Caregivers Program during a state-declared state of emergency. Adds the option of kupuna caregiver-directed services to the kupuna caregivers program. Includes assisting the care recipient and caregiver with the enrollment process as the duty of a coach. Allows funds under the Kupuna Caregivers Program to be issued to the care recipient's financial management service provider.

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

