
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 purpose of this Act is to:
- 2 (1) Relax the thirty-hour per week employment requirement
- 3 for qualified caregivers under the kupuna caregiver
- 4 program during a governor-declared state of emergency;
- 5 (2) Allow the kupuna caregivers program to be delivered
- 6 through either traditional service delivery or kupuna
- 7 caregiver-directed services;
- 8 (3) Allow the funds under the kupuna caregivers program to
- 9 be issued to the care recipient's financial management
- 10 service provider; and
- 11 (4) Require the executive office on aging to submit an
- 12 annual report to the legislature regarding the kupuna
- 13 caregivers program.

14 SECTION 2. Section 349-16, Hawaii Revised Statutes, is

15 amended as follows:

- 16 1. By adding a new definition to be appropriately inserted
- 17 and to read:



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

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

6 ""Coach" means an individual who:

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

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

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

15 (4) Assists the care recipient and qualified caregiver
16 with the program's enrollment process, including
17 completing necessary forms such as state and federal
18 tax forms, privacy and confidentiality forms, criminal
19 background check forms, financial management forms,
20 employer and employee related forms, and other forms



1 requested by the executive office on aging for
2 enrollment."

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

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

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

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

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



1 5. By amending the definitions of "person-centered support
2 plan" or "support plan", "qualified caregiver", and "respite
3 care" to read:

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

14 "Qualified caregiver" means an individual who meets the
15 following requirements:

- 16 (1) Provides care for a care recipient; and
17 (2) Is employed at least thirty hours per week by one or
18 more employers~~[.];~~ provided that upon issuance of a
19 proclamation by the governor declaring a state of
20 emergency in the State under section 127A-14, the



1 executive office on aging may reduce the required
2 hours during the emergency period.

3 "Respite care" includes:

4 (1) In-home respite (personal care, [~~homemaker services,~~]
5 homemaking, and other in-home respite);

6 (2) Respite provided by attendance of the care recipient
7 at a nonresidential program;

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

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

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

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

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



1 agency on aging. The executive office on aging shall develop
2 and implement a plan to maximize the number of caregivers served
3 by the program.

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

8 (1) Traditional service delivery through a service
9 provider organization or person who provides services
10 to clients under a formal contractual arrangement with
11 the executive office on aging or area agency on aging.
12 The service provider shall be a mandatory reporter who
13 has received adult protective services training, and
14 shall deliver to each care recipient one or more
15 services identified in subsection (d) to address the
16 care recipient's specific needs that have been
17 identified in the care recipient's and the qualified
18 caregiver's support plan; or

19 (2) Kupuna caregiver-directed services that shall address
20 the care recipient's assessed needs and allow for the
21 qualified caregiver to remain in the workforce. The



1 care recipient and the qualified caregiver shall have
2 shared decision-making authority over the budgeted
3 dollar amount to purchase and manage the needed
4 services and supports. Kupuna caregiver-directed
5 services shall provide the care recipient and the
6 qualified caregiver with a coach to assist their
7 enrollment into the kupuna caregiver-directed program
8 to maintain the care recipient's independence and
9 quality living experience in the community and the
10 qualified caregiver's employment; provided that the
11 coach shall be a mandatory reporter who has received
12 adult protective services training.

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

- 18 (1) Care coordination or case management;
- 19 (2) Adult day care;
- 20 (3) Assisted transportation;
- 21 (4) Chores;



1 (5) Home-delivered meals;

2 (6) [~~Homemaker services;~~] Homemaking;

3 (7) Personal care;

4 (8) Respite care; or

5 (9) Transportation;

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

10 (e) The executive office on aging shall submit an annual
11 report to the legislature no later than twenty days prior to the
12 convening of each regular session on the status of the kupuna
13 caregivers program.

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

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

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



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 governor-declared state of emergency. Allows the kupuna caregivers program to be delivered through either traditional service delivery or kupuna caregiver-directed services. Clarifies that coaches and service providers shall be mandatory reporters who have received adult protective services training. Expands the duties of a coach to include assisting the care recipient and caregiver with the enrollment process. Allows funds under the kupuna caregivers program to be issued to the care recipient's financial management service provider. Requires the director of the executive office on aging to submit an annual report to the legislature and adopt administrative rules. Effective 7/1/2060. (HD1)

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