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# 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 per week employment requirement
- 2                   for qualified caregivers under the kupuna caregiver
- 3                   program during a governor-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 definition of "coach" to read:

19           "Coach" means an individual who:

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



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

4           (3) Evaluates whether the participant-directed service and  
5                    support program is meeting the care recipient's  
6                    needs[-]; and

7           (4) Assists the care recipient and family caregiver with  
8                    the program's enrollment process, including completing  
9                    necessary forms such as state and federal tax forms,  
10                   privacy and confidentiality forms, criminal background  
11                   check forms, financial management forms, employer and  
12                   employee related forms, and other forms requested by  
13                   the executive office on aging for enrollment."

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

16            "~~Homemaker services~~" Homemaking means services that  
17 provide assistance with preparing meals, shopping for personal  
18 items, managing money, using the telephone, or performing light  
19 housework."

20           4. By amending the definition of "kupuna care core  
21 services" to read:



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

2            (1) Adult day care;

3            (2) Attendant care;

4            (3) Case management;

5            (4) [~~Chores,~~] Chore;

6            (5) [~~Homemaker services,~~] Homemaking;

7            (6) Home-delivered meals;

8            (7) Personal care;

9            (8) Transportation; or

10           (9) Assisted transportation."

11           5. By amending the definition of "person-centered support  
12 plan" or "support plan" to read:

13            ""Person-centered support plan" or "support plan" means a

14 plan developed by a care recipient [~~with the assistance of a~~

15 ~~coach~~] and the care recipient's qualified caregiver that

16 [~~allows~~] identifies the needs of the care recipient [~~to~~

17 ~~establish the goals, skills, and knowledge necessary to work~~

18 ~~toward the desired outcomes and lays out practical steps toward~~

19 ~~the achievement of the goals; provided that family members and~~

20 ~~friends may provide assistance in developing a care recipient's~~



1 ~~plan if the care recipient chooses to include them.] and allows~~  
2 the qualified caregiver to remain in the workforce."

3 6. By amending the definition of "qualified caregiver" to  
4 read:

5 "Qualified caregiver" means an individual who meets the  
6 following requirements:

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

14 7. By amending the definition of "respite care" to read:  
15 "Respite care" includes:

- 16 (1) In-home respite (personal care, ~~[homemaker services,]~~  
17 homemaking, and other in-home respite);
- 18 (2) Respite provided by attendance of the care recipient  
19 at a nonresidential program;
- 20 (3) Institutional respite provided by placing the care  
21 recipient in an institutional setting such as a



1 nursing home for a short period of time as a respite  
2 service to the caregiver; and

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

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

7 "**§349-18 Kupuna caregivers program.** (a) The executive  
8 office on aging may establish the kupuna caregivers program.  
9 The program shall provide assistance to a qualified caregiver  
10 who meets the requirements of this section.

11 (b) The program shall be coordinated and administered by  
12 the executive office on aging and implemented through the area  
13 agency on aging. The executive office on aging shall develop  
14 and implement a plan to maximize the number of caregivers served  
15 by the program.

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

20 (1) Traditional service delivery through a service  
21 provider organization or person who provides services



1 to clients under a formal contractual arrangement with  
2 the executive office on aging or area agency on aging.

3 The service provider shall deliver to each care  
4 recipient one or more services identified in  
5 subsection (d) to address the care recipient's  
6 specific needs that have been identified in the care  
7 recipient's and the qualified caregiver's support  
8 plan; or

9 (2) Kupuna caregiver-directed services that shall address  
10 the care recipient's assessed needs and allow for the  
11 qualified caregiver to remain in the workforce. The  
12 care recipient and the qualified caregiver shall have  
13 shared decision-making authority over the budgeted  
14 dollar amount to purchase and manage the needed  
15 services and supports. Kupuna caregiver-directed  
16 services shall provide the care recipient and the  
17 qualified caregiver with a coach to assist their  
18 enrollment into the kupuna caregiver-directed program  
19 to maintain the care recipient's independence and  
20 quality living experience in the community and the  
21 qualified caregiver's employment.



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

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

15 provided that the allocated funds shall be issued directly to  
16 the service provider or the care recipient's financial  
17 management service provider upon request and receipt of an  
18 invoice for services rendered.

19           [~~(d)~~] (e) The director may adopt rules pursuant to chapter  
20 91 necessary for the purposes of this section."



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 May 1, 2029.



**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. Takes effect 5/1/2029. (SD1)

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

