



GOV. MSG. NO. 1261

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 27, 2022

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 27, 2022, the following bill was signed into law:

SB3113 SD2 HD1

RELATING TO KUPUNA CARE PROGRAM.
ACT 160

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

Approved by the Governor

on JUN 27 2022

THE SENATE
THIRTY-FIRST LEGISLATURE, 2022
STATE OF HAWAII

ACT 160
S.B. NO. 3113
S.D. 2
H.D. 1

A BILL FOR AN ACT

RELATING TO KUPUNA CARE PROGRAM.

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

1 SECTION 1. The purpose of this Act is to improve
2 government efficiency by amending part II of chapter 349, Hawaii
3 Revised Statutes, entitled kupuna care and caregiver support
4 services, to incorporate the kupuna caregivers program into the
5 kupuna care program.

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

8 1. By adding four new definitions to be appropriately
9 inserted and to read:

10 "Caregiver" means a spouse, adult child, other relative,
11 partner, or friend who has a personal relationship with and
12 provides a broad range of unpaid assistance for an older adult
13 having a chronic or disabling condition.

14 "Caregiver support services" means services that offer
15 education, skills, knowledge, or mental, emotional, or social
16 support to employed caregivers.

17 "Employed caregiver" means an individual who:



- 1 (1) Provides care for a care recipient; and
- 2 (2) Is employed at least twenty hours per week by one or
- 3 more employers or is self-employed.

4 "Financial management service provider" means an agency
 5 under contract with the executive office on aging to act as the
 6 fiscal and employer agent on behalf of a care recipient to
 7 manage employer-related functions, process payment to employees
 8 and vendors, and monitor the care recipient's allocation of
 9 funds."

10 2. By amending the definitions of "aging and disability
 11 resource centers" and "attendant care" to read:

12 "'Aging and disability resource centers" means an entity
 13 established by the State as part of the state system of long-
 14 term care, serving as a highly visible and trusted source where
 15 people of all incomes and ages can [~~get~~] obtain information on
 16 the full range of long-term support options, and as a single
 17 point of entry for access to public long-term support programs
 18 and benefits.

19 "Attendant care" means standby assistance, supervision, or
 20 cues, including verbal prompts for medication, bathing, eating,
 21 grooming, and dressing, and may also include other activities to



1 help maintain the independence of an individual at home.
2 "Attendant care" does not include physical contact in support,
3 including [~~but not limited to~~] weight-bearing assistance with
4 transfers, washing, bathing, and dressing."

5 3. By amending the definitions of "care recipient" and
6 "case management" to read:

7 ""Care recipient" means an individual who:

- 8 (1) Is a citizen of the United States or a qualified
9 alien; provided that for the purposes of this
10 paragraph, "qualified alien" means a lawfully admitted
11 permanent resident under the Immigration and
12 Nationality Act;
- 13 (2) Is sixty years of age or older;
- 14 (3) Is not covered by any comparable government or private
15 home- and community-based care service, except or
16 excluding kupuna care services;
- 17 (4) Does not reside in a long-term care facility, such as
18 an intermediate care facility, assisted living
19 facility, skilled nursing facility, hospital, adult
20 foster [~~family~~] home, community care foster family
21 home, adult residential care home, [~~or~~] expanded adult



- 1 residential care home[+], or developmental
2 disabilities domiciliary home; and
3 (5) Has impairments of at least:
4 (A) Two activities of daily living;
5 (B) Two instrumental activities of daily living;
6 (C) One activity of daily living and one instrumental
7 activity of daily living; or
8 (D) Substantive cognitive impairment requiring
9 substantial supervision because the individual
10 behaves in a manner that poses a serious health
11 or safety hazard to the individual or another
12 person.

13 "Case management" means assistance either in the form of
14 access or care coordination in circumstances where an individual
15 is experiencing diminished functioning capacities, personal
16 conditions, or other characteristics that require the provision
17 of services by formal service providers, caregivers, or [~~family~~]
18 employed caregivers. Activities of case management may include
19 assessing needs, developing care plans, authorizing and
20 coordinating services among providers, and providing follow-up
21 and reassessment, as required."



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

3 "Homemaker [~~services~~]" means a person who provides
4 assistance with preparing meals, shopping for personal items,
5 managing money, using the telephone, or performing light
6 housework."

7 5. By amending the definitions of "kupuna care core
8 services", "person-centered planning", and "person-centered
9 support plan" or "support plan" to read:

10 "Kupuna care [~~core~~] services" means [~~services consisting~~
11 ~~of~~]:

12 (1) Services for the employed caregiver, including:

13 (A) Adult day care;

14 (B) Respite care; and

15 (C) Caregiver support services;

16 (2) Services for the care recipient, including:

17 (A) Attendant care;

18 [+3] (B) Case management;

19 (C) Care coordination;

20 [+4] (D) [~~Chores,~~] Chore;

21 [+5] (E) Homemaker [~~services~~];



- 1 [~~6~~] (F) Home-delivered meals;
- 2 [~~7~~] (G) Personal care;
- 3 [~~8~~] (H) Transportation; [~~or~~]
- 4 [~~9~~] (I) Assisted transportation~~(-)~~; or
- 5 (J) Respite care for employed caregivers.

6 "Person-centered planning" means a process~~[, directed by~~
 7 ~~the care recipient,~~] intended to identify the strengths,
 8 capacities, preferences, needs, and desired outcomes of the care
 9 recipient~~(-)~~, caregiver, or employed caregiver.

10 "Person-centered support plan" or "support plan" means a
 11 plan developed by a care recipient [~~with the assistance of a~~
 12 ~~each~~], caregiver, or employed caregiver that allows the care
 13 recipient, caregiver, or employed caregiver to establish the
 14 goals, skills, and knowledge necessary to work toward the
 15 desired outcomes and lays out practical steps toward the
 16 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."

19 6. By amending the definition of "respite care" to read:
 20 ""Respite care" means services that offer temporary,
 21 substitute supports, or living arrangements for care recipients



1 to provide a brief period of rest to [~~qualified~~] employed
2 caregivers. "Respite care" includes:

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

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

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

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

14 7. By deleting the definition of "coach".

15 [~~"Coach" means an individual who:~~

16 ~~(1) Helps the care recipient understand the program of
17 participant-directed services and support;~~

18 ~~(2) Develops and implements a spending plan to describe
19 how the care recipient will spend the care recipient's
20 budget; and~~



1 ~~(3) Evaluates whether the participant-directed service and~~
2 ~~support program is meeting the care recipient's~~
3 ~~needs-"]~~

4 8. By deleting the definition of "family caregivers".
5 ~~["Family caregivers" means a spouse, adult child, other~~
6 ~~relative, partner, or friend who has a personal relationship~~
7 ~~with, and provides a broad range of unpaid assistance for an~~
8 ~~older adult with a chronic or disabling condition."]~~

9 9. By deleting the definition of "qualified caregiver".
10 ~~["Qualified caregiver" means an individual who meets the~~
11 ~~following requirements:~~

- 12 ~~(1) Provides care for a care recipient; and~~
- 13 ~~(2) Is employed at least thirty hours per week by one or~~
14 ~~more employers."]~~

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

17 "~~[†]~~**S349-17[†]** **Kupuna care program.** (a) The executive
18 office on aging may establish the kupuna care program. The
19 program shall provide an array of long-term services and
20 supports to address the needs of Hawaii's older adults [~~and~~
21 ~~their desire to remain in their own homes and communities as~~



1 ~~they age.]~~ to age in place and avoid institutionalization and to
2 provide support services to caregivers or employed caregivers in
3 their efforts to assist older adults to continue residing in
4 their homes.

5 (b) The program shall be coordinated and administered by
6 the executive office on aging and implemented through the area
7 agencies on aging.

8 (c) To qualify for the kupuna care program, an individual
9 shall be a care recipient, caregiver, or employed caregiver as
10 defined in section 349-16.

11 (d) An area agency on aging, through the aging and
12 disability resource center or any other entity designated by the
13 executive office on aging, shall determine eligibility for the
14 program, which may include the following:

- 15 (1) An intake process to preliminarily determine
16 eligibility for publicly funded services and supports,
17 including kupuna care services;
18 (2) A comprehensive in-home assessment of the care
19 recipient or a caregiver assessment, if necessary; and
20 (3) A written, individualized, person-centered support
21 plan that identifies all services and supports needed



1 or currently used to meet the needs of the care
2 recipient, caregiver, or employed caregiver, including
3 those provided by other programs such as medicaid or
4 privately paid programs.

5 (e) An area agency on aging shall use the assessment data
6 and individual's support plan to confirm kupuna care program
7 eligibility before authorizing and coordinating services and
8 supports. An area agency on aging shall authorize and allot
9 kupuna care services and shall not delegate the service
10 authorization function to the agency's subcontractors.

11 ~~[-e-]~~ (f) The kupuna care program shall be delivered
12 through two distinct service options: traditional service
13 delivery or participant-directed services and support, based on
14 an ~~[individual]~~ individualized, person-centered support plan for
15 each eligible care recipient~~[+]~~, caregiver, or employed
16 caregiver; provided that:

17 (1) Traditional service delivery shall be by a service
18 provider ~~[organization or person who provides services~~
19 ~~to clients under a formal contractual arrangement with~~
20 ~~the executive office on aging or area agency on aging~~
21 ~~who shall deliver to each care recipient one or more~~



1 ~~kupuna care core services to address the care~~
 2 ~~recipient's specific needs that have been identified~~
 3 ~~in the care recipient's person-centered support plan;~~
 4 ~~and] that provides services to care recipients,~~
 5 ~~caregivers, and employed caregivers under a formal~~
 6 ~~contractual arrangement with the executive office on~~
 7 ~~aging or applicable area agency on aging; and~~

8 (2) Participant-directed services and support shall
 9 address the care recipient's assessed needs [~~that have~~
 10 ~~been identified through the person-centered planning~~
 11 ~~process and documented in the support plan.~~

12 ~~Participant-directed services and support shall~~
 13 ~~consist of long-term services and supports that a care~~
 14 ~~recipient uses to maintain independence in the~~
 15 ~~community, in which the care recipient determines what~~
 16 ~~mix of services and support will address the care~~
 17 ~~recipient's needs.] through person-centered planning.~~

18 The care recipient shall have decision-making
 19 authority over [~~the care recipient's budgeted dollar~~
 20 ~~amount] their own budget to purchase and manage [~~the~~
 21 their needed services and supports based upon [~~the~~~~



1 ~~care recipient's] their person-centered support plan.~~
2 ~~[Participant directed services and support shall~~
3 ~~provide the care recipient with a coach to assist the~~
4 ~~care recipient with using the services and support in~~
5 ~~a manner that best supports the care recipient's~~
6 ~~ability to maintain independence and enable a quality~~
7 ~~living experience in the community.~~

8 ~~(d) To qualify for the kupuna care program, an individual~~
9 ~~shall be a care recipient as defined in section 349-16.~~

10 ~~(e) An area agency on aging, through the aging and~~
11 ~~disability resource center or other entity designated by the~~
12 ~~executive office on aging, shall conduct an intake and~~
13 ~~assessment of individuals seeking long-term services and~~
14 ~~supports to determine eligibility for the program. The intake~~
15 ~~and assessment shall include the following:~~

16 ~~(1) A statewide uniform intake process developed with and~~
17 ~~adopted by the executive office on aging to~~
18 ~~preliminarily determine eligibility for publicly~~
19 ~~funded services and supports, including kupuna care~~
20 ~~services; and~~



1 ~~(2) An assessment of the eligible care recipient utilizing~~
2 ~~a statewide, uniform comprehensive in-home assessment,~~
3 ~~if necessary. Upon completion of the in-home~~
4 ~~assessment, the care recipient develops a written~~
5 ~~individualized person-centered support plan with:~~
6 ~~(A) The assistance of a coach in the preparation of~~
7 ~~the support plan; and~~
8 ~~(B) Participation from family, friends, and others,~~
9 ~~if the care recipient desires such additional~~
10 ~~assistance.~~

11 ~~The support plan identifies all the services and~~
12 ~~supports needed or currently used to meet the care~~
13 ~~recipient's needs, both formal and informal, including~~
14 ~~those provided by other programs such as medicaid or~~
15 ~~private paid programs. The plan shall be reviewed~~
16 ~~with the care recipient to confirm that it is the plan~~
17 ~~the care recipient desires.~~

18 ~~(f) An area agency on aging shall use the assessment data~~
19 ~~and individual's support plan to confirm kupuna care program~~
20 ~~eligibility, then authorize and coordinate services and~~
21 ~~supports. An area agency on aging shall directly authorize and~~



1 ~~alot kupuna care services, and shall not delegate the service~~
2 ~~authorization function to its subcontractors.]~~

3 (g) An individual shall be determined to be ineligible for
4 kupuna care services when:

5 (1) ~~[An]~~ The individual does not meet the eligibility
6 requirements specified;

7 (2) ~~[An individual]~~ The individual's need is not
8 substantiated through an in-home assessment;

9 (3) ~~[An]~~ The individual leaves the State or the
10 individual's whereabouts are unknown; or

11 (4) ~~[An]~~ The individual refuses services.

12 (h) An area agency on aging shall provide an individual
13 with written notice of the disposition of ~~[the request]~~
14 ineligibility for kupuna care services.

15 (i) An individual who has been determined ineligible for
16 kupuna care services shall have the opportunity to appeal the
17 decision to the ~~[director of the executive office on aging~~
18 ~~within ninety days after the date of notice of the area agency~~
19 ~~on aging's written disposition. The director of the executive~~
20 ~~office on aging's decision on the appeal shall be issued in~~
21 ~~writing and shall be final.]~~ applicable area agency on aging.



- 1 (j) Prior to termination of kupuna care services, service
2 providers shall notify the [~~appropriate contracting~~] applicable
3 area agency on aging of the date and reason for termination.
4 Termination of kupuna care services may occur if the care
5 recipient[+], caregiver, or employed caregiver:
- 6 (1) Moves and the provider is unable to locate the care
7 recipient[+], caregiver, or employed caregiver;
- 8 (2) Is transferred to another area agency on aging;
- 9 (3) Dies;
- 10 (4) No longer needs or wants kupuna care services and
11 supports, or no longer needs or wants a particular
12 kupuna care service or support;
- 13 (5) Is uncooperative with the service provider;
- 14 (6) Is noncompliant with the basic requirements of the
15 program;
- 16 (7) Engages in behavior that threatens or demonstrates
17 violence toward the service provider;
- 18 (8) Is placed or resides in a long-term care facility,
19 such as an intermediate care facility, assisted living
20 facility, skilled nursing facility, hospital,
21 community care foster [~~care~~] family home, adult foster



1 [~~family~~] home, adult residential care home, [~~or~~]
2 expanded adult residential care home[+], or
3 developmental disabilities domiciliary home;

4 (9) Uses comparable services from other programs; or

5 (10) Has a communicable disease that threatens the safety
6 and welfare of the service provider.

7 (k) All area agencies on aging shall record all consumer
8 data, assessments, and service delivery within a statewide
9 consolidated database.

10 (l) The kupuna care program shall award an allocation of
11 funds to cover costs for services, subject to availability of
12 funding; provided that the allocated funds shall be issued
13 directly to the service provider or financial management service
14 provider upon request and receipt of an invoice for services
15 rendered.

16 (m) The executive office on aging shall develop an
17 outreach plan to inform individuals of the kupuna care program
18 and services of the program.

19 (n) The executive office on aging shall submit an annual
20 report to the legislature, no later than twenty days prior to



1 the convening of each regular session, on the kupuna care
2 program. The report shall include, at minimum:

3 (1) The number of individuals who participate in the
4 kupuna care program, including the types of programs
5 in which they participate; and

6 (2) The number of individuals on a program waitlist,
7 including the types of programs for which they are on
8 a waitlist.

9 ~~[(+)]~~ (o) The director may adopt rules pursuant to chapter
10 91 necessary for the purposes of this section."

11 SECTION 4. Section 349-18, Hawaii Revised Statutes, is
12 repealed.

13 ~~["§349-18 Kupuna caregivers program. (a) The executive~~
14 ~~office on aging may establish the kupuna caregivers program.~~
15 ~~The program shall provide assistance to a qualified caregiver~~
16 ~~who meets the requirements of this section.~~

17 ~~(b) The program shall be coordinated and administered by~~
18 ~~the executive office on aging and implemented through the area~~
19 ~~agency on aging. The executive office on aging shall develop~~
20 ~~and implement a plan to maximize the number of caregivers served~~
21 ~~by the program.~~



1 ~~(c) 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;~~

10 ~~(5) Home delivered meals;~~

11 ~~(6) Homemaker services;~~

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 upon request and receipt of an invoice for~~
17 ~~services rendered.~~

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

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.

APPROVED this 27th day of June , 2022

A handwritten signature in black ink, appearing to read "David Ige". The signature is written in a cursive style with a large, sweeping flourish at the end.

GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI‘I

Date: April 20, 2022
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2022.


President of the Senate


Clerk of the Senate

THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

Date: April 12, 2022
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives