
A BILL FOR AN ACT

RELATING TO SOCIAL SERVICES.

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

1 SECTION 1. The legislature finds that the State provides a
2 personal needs allowance for individuals residing in adult
3 foster homes, adult residential care homes, domiciliary homes,
4 and other long-term care facilities. The personal needs
5 allowance allows recipients to purchase necessary items, such as
6 clothing, toiletries, and meals, and covers other day-to-day
7 living expenses.

8 The legislature further finds that when the federal
9 government first established the needs allowance in 1974, the
10 allowance was set at \$25 per month, which was then subsequently
11 increased to \$30 in 1998. Act 96, Session Laws of Hawaii 2007,
12 increased the monthly needs allowance to \$50 to better
13 accommodate the increase in the cost of living. However, the
14 allowance has not been increased since then. The legislature
15 believes that the personal needs allowance must be increased to
16 effectively support individuals residing in long-term care
17 facilities.



1 Accordingly, the purpose of this Act is to:

2 (1) Increase the personal needs allowance from \$50 to \$75;

3 (2) Clarify that the needs allowance is not intended to
4 replace or affect funds received from the federal
5 supplemental security income program;

6 (3) Require certain long-term care facility operators to
7 pay for generic toiletries, linens, and meals and
8 snacks;

9 (4) Clarify the individuals who are eligible to receive
10 the needs allowance; and

11 (5) Require the department of human services to perform an
12 annual review of the needs allowance and report to the
13 legislature.

14 SECTION 2. Section 346D-4.5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§346D-4.5 Needs allowance; waiver program individuals.**

17 (a) There may be established a monthly needs allowance for
18 individuals living in:

19 (1) Adult residential care home type I and type II
20 facilities;



- 1 (2) Licensed developmental disabilities domiciliary homes
2 as defined in section 321-15.9;
- 3 (3) Community care foster family homes as defined in
4 section 321-481;
- 5 (4) Certified adult foster homes as defined in section
6 321-11.2;
- 7 (5) Domiciliary care as defined in section 346-1;
- 8 (6) A nursing facility; or
- 9 (7) A community-based residence as part of the residential
10 alternatives community care program.
- 11 (b) The needs allowance may be administered by the
12 department of human services to pay for clothing and other
13 personal miscellaneous needs, such as bus fare, personal postage
14 costs, haircuts, and other costs of day-to-day living.
- 15 (c) The State's supplemental payment for a needs allowance
16 under subsection (a) shall be increased by an amount necessary
17 to bring the allowance up to [~~\$50~~] \$75 per month. The payment
18 under this section shall be afforded to an individual
19 notwithstanding that the individual is incapacitated; provided
20 that the moneys may be spent on behalf of the client, with a



1 written accounting, by the operator of the residence or
2 facility.

3 (d) The needs allowance is not intended to replace or
4 affect the funds received from the federal supplemental security
5 income program and shall be supplemental to any funds provided
6 to a recipient by the federal supplemental security income
7 program.

8 (e) The operators of facilities identified in subsection
9 (a) shall pay for generic toiletries, including toilet paper,
10 hand soap, and paper towels; linens, including bedding, sheets,
11 blankets, towels, and bath towels; and meals and snacks for
12 outings; provided that operators shall not use the needs
13 allowance without the consent of the individual receiving the
14 needs allowance; provided further that an operator shall
15 maintain records of when an individual authorizes the use of the
16 individual's needs allowance that describes how the money from
17 the needs allowance was spent.

18 (f) The needs allowance shall apply to persons otherwise
19 eligible to receive monthly income pursuant to state law or
20 rules and federal laws or regulations and is not intended to



1 affect the classifications of, or number of, persons eligible to
2 receive such funds.

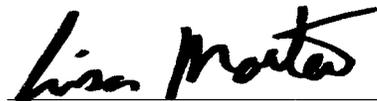
3 (g) The department of human services shall perform an
4 annual review of the monthly needs allowance to ensure the
5 allowance provides adequate coverage. The department of human
6 services shall submit a report of corrections or improvements to
7 the monthly needs allowance, including any proposed legislation,
8 to the legislature no later than twenty days prior to the
9 convening of the regular session of 2025 and every regular
10 session thereafter."

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 2024.

14

INTRODUCED BY:



JAN 19 2024



H.B. NO. 1974

Report Title:

Needs Allowance; Long-term Care Facilities; Department of Human Services

Description:

Increases the monthly needs allowance from \$50 to \$75. Clarifies that the needs allowance is not intended to replace or affect funds received from the federal Supplemental Security Income program. Requires certain long-term care facility operators to pay for generic toiletries, linens, and meals and snacks. Clarifies the individuals who are eligible to receive the needs allowance. Requires the Department of Human Services to perform an annual review of the needs allowance and report to the Legislature.

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

