
A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Section 321-481, Hawaii Revised Statutes, is
2 amended by amending the definition of "community care foster
3 family home" to read as follows:

4 ""Community care foster family home" or "home" means a home
5 that:

6 (1) Is regulated by the department in accordance with
7 rules that are equitable in relation to rules that
8 govern expanded adult residential care homes;

9 (2) Is issued a certificate of approval by the department
10 or its designee to provide, for a fee, twenty-four-
11 hour living accommodations, including personal care
12 and homemaker services, for not more than two adults
13 at any one time, at least one of whom shall be a
14 medicaid recipient, who are at the nursing facility
15 level of care, who are unrelated to the foster family,
16 and who are receiving the services of a licensed home



1 and community-based case management agency; provided
2 that:

3 (A) The department, in its discretion, may certify a
4 home for a third adult who is at the nursing
5 facility level of care and is a medicaid
6 recipient; provided further that:

7 (i) The home has been certified and in operation
8 for not less than one year;

9 (ii) The primary caregiver is a certified nurse
10 aide, as defined in section 457A-1.5, who
11 has completed a state-approved training
12 program and other training as required by
13 the department; and

14 (iii) The substitute caregiver is a nurse aide, as
15 defined in section 457A-1.5, who has
16 completed a state-approved training program
17 and other training as required by the
18 department;

19 (B) The department, in consultation with the
20 department of human services, and in its
21 discretion, and considering the past admission



1 history and current client mix of the community
2 care foster family home, may allow two private-
3 pay individuals to be cared for in the same
4 community care foster family home after
5 considering the following relevant factors:

6 (i) The community care foster family home is
7 certified for three or four beds;

8 (ii) The operator of the [~~three-bed~~] three- or
9 four-bed community care foster family home
10 has had a vacant medicaid bed for at least
11 six months; provided that the operator shall
12 not transfer out a medicaid or private-pay
13 client from the community care foster family
14 home in order to accept a private-pay
15 individual;

16 (iii) The two private-pay individuals are in a
17 relationship with each other as a married
18 couple or in a civil union and one of the
19 private-pay individuals is currently
20 residing in the community care foster family
21 home for at least six months;



- 1 (iv) The department, in its discretion,
2 determines that no other adult residential
3 care home, expanded adult residential care
4 home, or health care facility within the
5 area has an available opening and is capable
6 of providing care to both private-pay
7 individuals; and
- 8 (v) There are no medicaid recipients seeking
9 placement in the community care foster
10 family home that the married or civil union
11 private-pay individuals are seeking to
12 occupy;
- 13 (C) If the legal relationship of the marriage or
14 civil union of the individuals ceases to exist,
15 including but not limited to as a result of death
16 or divorce, one of the two private-pay beds shall
17 immediately, upon the death or the effective date
18 of divorce, become a medicaid bed; and
- 19 (D) The department and its officers, employees, and
20 agents, in exercising discretion and in
21 considering any other factors that the department



1 deems relevant to its decision, shall be immune
2 from suit and liability in the exercise of its
3 discretion under this section; and

4 (E) The department, in its discretion, may certify a
5 home for a fourth adult who is at the nursing
6 facility level of care, is a medicaid recipient,
7 and has documented housing instability; provided
8 further that:

9 (i) The home has been certified for three beds
10 and in compliant operation for not less than
11 one year;

12 (ii) The primary caregiver is a certified nurse
13 aid, as defined in section 457A-1.5, who has
14 completed a state-approved training program
15 and other training as required by the
16 department;

17 (iii) A second caregiver, who is a certified nurse
18 aid, as defined in section 457A-1.5, who has
19 completed a state-approved training program
20 and other training as required by the



1 department, is on duty from 7:00 a.m. to
2 7:00 p.m.;

3 (iv) Any substitute caregiver is a certified
4 nurse aide, as defined in section 457A-1.5,
5 who has completed a state-approved training
6 program and other training as required by
7 the department; and

8 (v) An evaluation and report shall be provided
9 to the department from a qualified service
10 provider and health care provider for each
11 adult proposed to be the fourth client in a
12 community care foster family home, pursuant
13 to this paragraph;

14 provided further that a caregiver of a community care
15 foster family home may submit a request to the
16 department to increase the home's bed capacity from
17 three to four only after all vacancies in community
18 care foster family homes located on the same island
19 are filled; and

20 (3) Does not include expanded adult residential care homes
21 or assisted living facilities."



1 SECTION 2. The department of health and the governor's
2 coordinator on homelessness shall submit a report of their
3 findings and recommendations, including any proposed
4 legislation, on the authorization to allow one additional
5 individual who is a medicaid recipient to be cared for in the
6 same community care foster family home, the benefits and impacts
7 to homelessness, and the benefits and impacts to persons
8 experiencing housing instability, as provided under section 1 of
9 this Act, to the legislature no later than twenty days prior to
10 the convening of the regular session of 2025.

11 SECTION 3. The department of health and the governor's
12 coordinator on homelessness shall enter into a memorandum of
13 agreement to implement this Act before the placement of any
14 individual recommended for placement as a fourth adult in a
15 certified community care foster family home pursuant to section
16 1 of this Act.

17 SECTION 4. It is not the intent of this Act to jeopardize
18 the receipt of any federal aid. If this Act is found to be in
19 conflict with federal requirements that are a prescribed
20 condition for the allocation of federal funds to the State, this
21 Act shall be deemed void.



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect July 1, 3000, and
4 shall be repealed on June 30, 2027; provided that section
5 321-481, Hawaii Revised Statutes, shall be reenacted in the form
6 in which it read on the day before the effective date of this
7 Act.



Report Title:

DOH; Governor's Coordinator on Homelessness; Health; Community Care Foster Family Homes; Medicaid; Certification; Report

Description:

Authorizes the Department of Health to, in its discretion, certify community care foster family homes for a fourth adult who is a Medicaid recipient and has documented housing instability, if certain conditions are met. Requires the Department of Health and Governor's Coordinator on Homelessness to enter into a memorandum of agreement and submit a report to the Legislature. Takes effect 7/1/3000. Sunsets 6/30/2027.
(SD1)

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