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## 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 monthly needs  
2 allowance afforded to individuals living in certain long-term  
3 care facilities and monthly state supplemental payment to  
4 specified care providers was recently increased by \$25 and \$132,  
5 respectively. However, the state supplemental payment is  
6 administered by the Social Security Administration, which issues  
7 one monthly payment to the recipient or representative payee  
8 that includes the state supplemental payment and supplemental  
9 security income. Therefore, due to the ceiling limit, the \$25  
10 needs allowance increase is being deducted from the \$132 state  
11 supplemental payment increase, which was not the intent of the  
12 legislature.

13           Therefore, the purpose of this Act is to:

14           (1) Clarify that the monthly needs allowance afforded to  
15                individuals living in certain long-term care  
16                facilities is not intended to replace or affect funds  
17                received as a state supplemental payment for



1 domiciliary care and shall be supplemental to any  
2 funds provided to a recipient as a state supplemental  
3 payment for domiciliary care; and

4 (2) Appropriate funds.

5 SECTION 2. Section 346-53, Hawaii Revised Statutes, is  
6 amended by amending subsection (c) to read as follows:

7 "(c) The director, pursuant to chapter 91, shall determine  
8 the rate of payment for domiciliary care, including care  
9 provided in licensed developmental disabilities domiciliary  
10 homes, community care foster family homes, and certified adult  
11 foster homes, to be provided to recipients who are eligible for  
12 federal supplemental security income or public assistance, or  
13 both. The director shall provide for level of care payment and  
14 needs allowance as follows:

15 (1) [~~For~~] Beginning October 1, 2025, for adult residential  
16 care homes classified as facility type I, licensed  
17 developmental disabilities domiciliary homes as  
18 defined under section 321-15.9, community care foster  
19 family homes as defined under section 321-481, and  
20 certified adult foster homes as defined under section  
21 321-11.2, the state supplemental payment, which



1           includes the care rate and needs allowance, shall not  
2           exceed [~~\$784~~] \$829; and

3           (2) [~~For~~] Beginning October 1, 2025, for adult residential  
4           care homes classified as facility type II, the state  
5           supplemental payment, which includes the care rate and  
6           needs allowance, shall not exceed [~~\$892~~] \$937.

7           If the operator does not provide the quality of care  
8           consistent with the needs of the individual to the satisfaction  
9           of the department, the department may remove the recipient to  
10          another facility.

11          The department shall handle abusive practices under this  
12          section in accordance with chapter 91.

13          Nothing in this subsection shall allow the director to  
14          remove a recipient from an adult residential care home or other  
15          similar institution if the recipient does not desire to be  
16          removed and the operator is agreeable to the recipient  
17          remaining, except where the recipient requires a higher level of  
18          care than provided or where the recipient no longer requires any  
19          domiciliary care."

20          SECTION 3. Section 346D-4.5, Hawaii Revised Statutes, is  
21          amended by amending subsection (c) to read as follows:



1           "(c) The State's supplemental payment, as authorized by  
2 section 346-53(c) (1) and (2), for a needs allowance under  
3 subsection (a) shall be increased by an amount necessary to  
4 bring the allowance up to \$75 per month. The payment under this  
5 section shall be afforded to an individual notwithstanding that  
6 the individual is incapacitated; provided that the moneys may be  
7 spent on behalf of the client, with a written accounting, by the  
8 operator of the residence or facility."

9           SECTION 4. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$                    or so  
11 much thereof as may be necessary for fiscal year 2025-2026 and  
12 the same sum or so much thereof as may be necessary for fiscal  
13 year 2026-2027 for the department of human services' community-  
14 based residential support program (HMS605) to effectuate the  
15 purposes of this Act.

16           The sums appropriated shall be expended by the department  
17 of human services for the purposes of this Act.

18           SECTION 5. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20           SECTION 6. This Act shall take effect on July 1, 2025.

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H.B. NO. 1477

INTRODUCED BY: *Lucia Morón*

JAN 23 2025



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**Report Title:**

Department of Human Services; Needs Allowance; Long-term Care Facilities; State Supplemental Payments; Appropriation

**Description:**

Clarifies that the monthly needs allowance afforded to individuals living in certain long-term care facilities is not intended to replace or affect funds received as a state supplemental payment for domiciliary care and shall be supplemental to any funds provided to a recipient as a state supplemental payment for domiciliary care. Appropriates funds.

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

