

JAN 17 2025

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. The legislature finds that community care
2 foster family homes (CCFFHs) are a critical resource to keep
3 vulnerable kupuna as close to their communities as possible.
4 CCFFHs were established to allow for a community-based option
5 for individuals requiring a higher level of care. To qualify
6 for placement in a CCFFH, an individual must meet the level of
7 care requirements for an intermediate care facility (ICF) level
8 of care. While the care needs of CCFFH residents are generally
9 not considered medically complex, ICF level of care is typically
10 provided by a certified nurse aide (CNA) and the overall care is
11 managed by a nurse. Requiring the minimum qualification of a
12 primary caregiver to be a CNA ensures basic competency in areas
13 such as recording vital signs, assisting with medication
14 administration, and performing other delegated skilled nursing
15 tasks, which is critical to ensuring that care needs of CCFFH
16 residents are met. Currently, a CNA certificate is required
17 only for CCFFHs offering care services for three clients and is



1 not required for CCFHs offering care services for two clients.
2 However, the legislature believes that, due to the higher ICF
3 level of care needed for residents being cared for in a CCFH,
4 the minimum qualification for a primary caregiver at CCFHs
5 offering care should also be a CNA certificate. This
6 requirement will provide continuity of care across the entire
7 program by requiring CCFHs offering care services for two
8 adults to also maintain a CNA.

9 Accordingly, the purpose of this Act is to require a
10 primary caregiver in a community care foster family home serving
11 two or three clients to be a certified nurse aide or licensed
12 nurse with a current certified nurse aid certificate or nursing
13 license.

14 SECTION 2. Section 321-483, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:

16 "(b) The department shall adopt rules pursuant to chapter
17 91 relating to:

- 18 (1) Standards of conditions and competence for the
19 operation of community care foster family homes;
20 (2) Procedures for obtaining and renewing a certificate of
21 approval from the department;



1 (3) Minimum grievance procedures for clients of community
2 care foster family home services; [~~and~~]

3 (4) Requirements for primary and substitute caregivers
4 caring for three clients in community care foster
5 family homes including:

6 (A) Mandating that primary and substitute caregivers
7 be twenty-one years of age or older;

8 (B) Mandating that primary and substitute caregivers
9 complete a minimum of twelve hours of continuing
10 education every twelve months or at least
11 twenty-four hours of continuing education every
12 twenty-four months;

13 (C) Allowing the primary caregiver to be absent from
14 the community care foster family home for no more
15 than twenty-eight hours in a calendar week, not
16 to exceed five hours per day; provided that the
17 substitute caregiver is present in the community
18 care foster family home during the primary
19 caregiver's absence;

20 (D) Where the primary caregiver is absent from the
21 community care foster family home in excess of



1 the hours as prescribed in subparagraph (C),
2 mandating that the substitute caregiver be a
3 certified nurse aide; and

4 (E) Mandating that the substitute caregiver have, at
5 a minimum, one year prior work experience as a
6 caregiver in a community residential setting or
7 in a medical facility[-]; and

8 (5) Requirements for primary and substitute caregivers
9 caring for two or three clients in community care
10 foster family homes, including mandating that the
11 primary caregiver be a certified nurse aide, as
12 defined in section 457A-1.5 or nurse licensed pursuant
13 to chapter 457, who has completed a state-approved
14 training program and other training as required by the
15 department and holds a current certificate issued
16 pursuant to chapter 457A or license issued pursuant to
17 chapter 457."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read 'J. M. P. Smith', is written over a horizontal line.



S.B. NO. 943

Report Title:

DOH; CCFFH; Primary Caregiver Requirement; Certified Nurse Aide;
Licensed Nurse

Description:

Requires the Department of Health to adopt by rules, a mandate that the primary caregiver caring for two or three clients in community care foster family homes to be a certified nurse aide or licensed nurse who has completed a state-approved training program and other training as required by the Department and holds a current certified nurse aid certificate or nursing license.

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

