

JAN 17 2025

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# A BILL FOR AN ACT

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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 CCFFHs 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 CCFFH,  
4 the minimum qualification for a primary caregiver at CCFFHs  
5 offering care should also be a CNA certificate. This  
6 requirement will provide continuity of care across the entire  
7 program by requiring CCFFHs 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;



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

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

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

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

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

(D) Where the primary caregiver is absent from the 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."

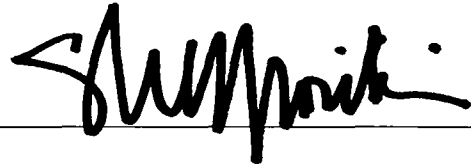
18 SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.



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

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INTRODUCED BY:





# 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.

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