

JAN 21 2026

A BILL FOR AN ACT

RELATING TO COMMUNITY-BASED CARE.

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

1 SECTION 1. The legislature finds that community care
2 foster family homes are a vital resource, allowing adults who
3 require moderate levels of nursing or personal care to remain in
4 a home-like setting. Under the MedQuest program, to qualify for
5 placement in a community care foster family home, a person must
6 be certified by a physician as requiring the level of care
7 offered by an intermediate care facility or skilled nursing
8 facility. These levels of care are typically appropriate for
9 persons who need health monitoring and personal assistance but
10 do not require hospitalization.

11 The legislature recognizes that, while residents of
12 community care foster family homes often need assistance with
13 multiple aspects of personal care, most residents are not
14 considered medically complex or medically fragile. These
15 residents can be supported in the community by trained
16 caregivers. However, to ensure that all residents receive
17 consistent and appropriate care services, the legislature



1 believes that each primary and substitute caregiver in a
2 community care foster family home should, at a minimum, be a
3 certified nurse aide. Certified nurse aides are trained to
4 monitor vital signs, administer medication, and perform other
5 routine health services.

6 Accordingly, the purpose of this Act is to ensure the
7 safety and quality of community care foster family homes by:

- 8 (1) Requiring the department of health to adopt rules
9 mandating that each primary caregiver and substitute
10 caregiver in a community care foster family home be a
11 licensed nurse or certified nurse aide; and
- 12 (2) Making the requirements for primary and substitute
13 caregivers applicable to all community care foster
14 family homes, regardless of the number of clients in
15 the home.

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

18 "(b) The department shall adopt rules pursuant to
19 chapter 91 relating to:

20 (1) Standards of conditions and competence for the
21 operation of community care foster family homes;



- (2) Procedures for obtaining and renewing a certificate of 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 [earing 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;



1 (D) [Where the primary caregiver is absent from the
2 community care foster family home in excess of
3 the hours as prescribed in subparagraph (C),
4 mandating] Mandating that [~~the~~] each primary
5 caregiver and substitute caregiver be a licensed
6 nurse or certified nurse aide; and
7 (E) Mandating that the substitute caregiver have, at
8 a minimum, one year prior work experience as a
9 caregiver in a community residential setting or
10 in a medical facility."

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

13 SECTION 4. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

SB LRB 26-0155.docx



S.B. NO. 2365

Report Title:

DOH; CCFFH; Caregivers; Certified Nurse Aide; Licensed Nurse; Requirements

Description:

Requires the Department of Health to adopt rules mandating that each primary caregiver and substitute caregiver in a Community Care Foster Family Home be a licensed nurse or certified nurse aide. Makes the requirements for primary and substitute caregivers applicable to all Community Care Foster Family Homes, regardless of the number of clients in the home.

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