

ACT 225

H.B. NO. 436

A Bill for an Act Relating to Personal Care Services.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 346-1, Hawaii Revised Statutes, is amended by amending the definition of “medical assistance” to read as follows:

““Medical assistance” means payment for medical care[,] or personal care services, including funds received from the federal government.”

SECTION 2. Section 346-64, Hawaii Revised Statutes, is amended to read as follows:

“[ [ ]§346-64[ ] ] **Personal care; payment for services.** (a) The department [may offer within the funds available personal care services to those individuals who are eligible for medical assistance and whose physical dependency requires them to have intermittent assistance with personal care services where there is no responsible relative or friend willing to volunteer such assistance.] shall

provide, subject to legislative appropriations, personal care services to medical assistance recipients:

- (1) Whose physical disabilities are of a degree that would require placement in an intermediate care facility if the personal care services were not provided; and
- (2) Who have no responsible relative or friend willing to volunteer assistance in the bathing, dressing, and feeding of the recipient, the performance of toilet and personal hygiene functions by the recipient, and other household tasks.

Personal care services provided under this section shall be funded under the medical assistance program. The department shall provide personal care services in compliance with federal laws and rules.

(b) "Personal care services" mean services to assist in [the areas of] bathing, [toileting, personal hygiene,] dressing, and feeding[.]; performance of toilet and personal hygiene functions; assistance with medications which are ordinarily self-administered; assistance with mobility and transfer activities; and other household tasks which are related to a medical need.

(c) [Payment for personal care may be made only when the cost is substantially less than the cost for the care of the individual in an alternative plan, if personal care services were not available.] The payment for personal care services for a recipient during a month shall not exceed sixty-five per cent of the average monthly medical assistance payment for a recipient in an intermediate care facility. The department or its authorized agent shall make a comprehensive assessment of and provide a written plan of care to a recipient receiving personal care services.

(d) ["Substantially less" as the term is used in this section means not more than sixty per cent of the cost of the lowest level of care in an adult family boarding home or a care home.] The department shall compute the average monthly medical assistance payment for a recipient in an intermediate care facility by rule in accordance with chapter 91.

(e) Nothing in this section shall be construed as limiting the DSSH from providing other services in programs under its jurisdiction to recipients under this section who may be eligible for such services.

(f) The department may adopt rules in accordance with chapter 91 for the purpose of this section."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 4, 1985.)