

ACT 324

S.B. NO. 3146

A Bill for an Act Relating to Home and Community-Based Care.

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

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by \$2,326,112 or 0.091 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 2. Chapter 333F, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§333F- Provision of services; family and caregiver support. The director may provide such services as may be necessary to maintain and enhance care giving in community-based homes for persons with developmental disabilities. For the purposes of this section, “family and caregiver support” means a flexible and varied network of support which does not supplant community resources, and which is capable of providing for the individual families caring for persons with developmental disabilities. Such services may include:

- (1) In-home and out-of-home respite services for families and care providers;
- (2) The purchase of adaptive equipment such as bath chairs and special positioning chairs not covered by health insurance or other resources;
- (3) Counseling services for families of care providers concerning stresses and feelings about caring for persons with developmental disabilities;
- (4) Special supply purchases such as diapers and special clothing required by persons with developmental disabilities;
- (5) Homemaker and chore services;
- (6) Transportation services not available through existing resources in the community;

- (7) Specialized therapy services for persons with developmental disabilities not available through insurance, medicaid, or other resources;
- (8) Case management to help families and care providers coordinate and access services available to persons with developmental disabilities; and
- (9) Provision, without regard to chapter 42, of modifications to dwelling units to enable persons with developmental disabilities with sensory limitation or mobility problems to reside in community homes which require adaptive and safety alterations such as the installation of ramps and porch lifts, bars and hand rails, widening of doorways, removal of other architectural barriers and the enlargement of bath facilities to allow the movement of and ensure the safety of the person with developmental disabilities; provided that there shall be an agreement between the care provider and the department to ensure continued care in the home where the modification is provided; and provided further that modification costs shall be limited to the amount of funds appropriated for the program for any individual client."

SECTION 3. Section 346D-2, Hawaii Revised Statutes, is amended to read as follows:

“[[§346D-2]] Establishment of a community long-term care/nursing home without walls program. (a) A community long-term care/nursing home without walls program shall be established in the department of human services to provide comprehensive home services for acute or chronically ill and disabled clients who are certified as requiring acute, skilled nursing, or intermediate level care.

(b) The provision of services shall be statewide.

(c) A ceiling shall be placed on the nursing home without walls program expenditures, limiting total expenditures to not more than seventy-five per cent of the annual medicaid cost to maintain the nursing home without walls program caseload at their appropriate level of institutional care. The medicaid cost which shall be the basis for the expenditure ceiling shall be determined by the department of human services.

[(d) A ceiling shall be placed on individual client care expenditures so that the annual cost of client care through the nursing home without walls program does not exceed seventy-five per cent of the annual medicaid cost to provide the appropriate level of care for the client. If there is more than one client in a family, the expenditure ceilings of each client shall be added together and the costs of their care combined and evaluated against the sum.

(e) [(d) If [the client] clients from the nursing home without walls program [does] do not utilize the entire funds available for the [client's] clients' care, "paper credits" shall be accrued on the [client's] clients' behalf to be utilized during a period of higher service requirements."

SECTION 4. There is established within the department of health a task force for the purpose of advising the department of health on the allocation and expenditure of moneys appropriated for respite care services and broad policy statements related to respite services. The task force shall be appointed by the director of health and shall be composed of eleven members, including at least one representative from each of the following: the department of health; the state planning council on developmental disabilities; and the commission on persons

with disabilities. The task force shall also include five consumer members representing the five special needs groups listed in section 5 of this Act.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,000,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the provision of support services and training to families and caregivers who provide home care to individuals with developmental disabilities and mental illness, and for the establishment and development of respite care services to families providing home care to a family member who is:

- (1) An infant or toddler (from birth through three years of age) with a developmental delay;
- (2) A seriously mentally ill adult;
- (3) A seriously emotionally disturbed child;
- (4) A seriously or terminally ill child; or
- (5) A developmentally disabled adult or child.

The sum appropriated shall be expended by the department of health for the purposes of this section.

SECTION 6.¹ There is appropriated out of the general revenues of the State of Hawaii the sum of \$650,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the expansion of respite care services, the establishment of a statewide caregiver training program, and the design and implementation of a pre-retirement and caregiver demonstration program, as follows:

- (1) Expansion of respite care services for families providing at-home care to an elderly family member. \$350,000
- (2) Establishment of a statewide caregiver training program through the University of Hawaii community college system for professional and family caregivers which includes the provision of respite care to family caregivers to enable them to attend classes offered by the program. \$225,000
- (3) Design and implementation of a pre-retirement and caregiver demonstration program for state employees, for possible future application by private employers. \$75,000

The sum appropriated shall be expended by the executive office on aging for the purposes of this section.

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$75,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the establishment and development of respite care services for child foster care providers statewide, and the hiring of staff to recruit persons who can provide child foster care respite services.

The sum appropriated shall be expended by the department of human services for the purposes of this section.

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000, or so much thereof as may be necessary for fiscal year 1990-1991, for an assessment of at-home family caregiving which includes, but is not limited to, the following issues:

- (1) The types and respective numbers of disabled or ill individuals being cared for at home by families;
- (2) The approximate annual out-of-pocket costs of at-home family care giving;
- (3) The usual methods of financing at-home family care; and

- (4) Recommendations on how the State can assist at-home family caregivers.

The commission on persons with disabilities shall conduct the assessment and shall submit a report of its findings and recommendations to the legislature not later than twenty days before the convening of the regular session of 1991.

The sum appropriated shall be expended by the department of health for the purposes of this section.

SECTION 9. There is appropriated out of the general revenues of the State of Hawaii the sum of \$250,000, or so much thereof as may be necessary for fiscal year 1990-1991, for expansion of the crisis intervention services for the elderly program to include the provision and development of in-home emergency care services to disabled or ill persons of all ages requiring long-term care at home.

The sum appropriated shall be expended by the executive office on aging for the purposes of this section.

SECTION 10.¹ There is appropriated out of the general revenues of the State of Hawaii the sum of \$176,112, or so much thereof as may be necessary for fiscal year 1990-1991, for expansion of the senior companion and respite companion programs, as follows:

A. Senior companion program:

- (1) Expand services statewide, including hiring approximately twenty additional companions.\$50,000
- (2) Establish services on the island of Lanai, including hiring three companions.\$10,000
- (3) Establish a permanent program specialist position to provide support to additional companions statewide, recruit volunteers, and arrange training.\$26,808

B. Respite companion program:

- (1) Establish an additional permanent half time program specialist position and a full-time clerk / typist position.\$29,304
- (2) Establish fifteen additional respite companion positions\$60,000

The sum appropriated shall be expended by the department of human services for the purposes of this section.

SECTION 11. There is appropriated out of the general revenues of the State of Hawaii the sum of \$75,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the provision of services and training, as well as the establishment and development of respite care services, to families providing home care to a family member who is a disabled adult or child.

The sum appropriated shall be expended by the department of human services for the purposes of this section.

SECTION 12. Statutory material to be repealed is bracketed. New statutory material is underscored.²

SECTION 13. This Act shall take effect upon its approval; provided that sections 5 through 11 shall take effect on July 1, 1990.

(Approved July 9, 1990.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.