

ACT 70

S.B. NO. 1688

A Bill for an Act Relating to Public Assistance.

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

SECTION 1. Section 346-53, Hawaii Revised Statutes is amended by amending subsection (c) to read as follows:

“(c) The director, pursuant to chapter 91, shall determine the rate of payment for the different levels of domiciliary care provided to recipients eligible either for Federal Supplemental Security Income, or public assistance in accordance with state standards, or both. The director shall provide for level of care [increases effective July 1, 1989,] payments as follows:

- (1) For those adult residential care homes classified as facility type I[:] and type II the state supplemental payments shall be: not less than [\$70] \$79.90 for level of care (LOC) I; not less than [\$105] \$129.90 for LOC II; and not less than [\$145] \$191.90 for LOC III; [and
- (2) For those adult residential care homes classified as facility type II: not less than \$124 for LOC I; not less than \$105 for LOC II; and not less than \$145 for LOC III.]
- (2) For those adult residential care homes classified as facility type I, the state supplemental payment shall not exceed \$284.90 for LOC I; \$369.90 for LOC II; and \$471.90 for LOC III; and
- (3) For those adult residential care homes classified as facility type II, the state supplemental payment shall not exceed \$338.90 for LOC I; \$477.90 for LOC II; and \$579.90 for LOC III.

The rate of payment at which level a recipient enters an adult residential care home licensed pursuant to section 321-15.6 shall remain the same for as long as the recipient resides in that adult residential care home. The rate of payment may be raised if the recipient’s condition so requires, or by rule of the department in accordance with this subsection; provided that:

- (1) Notwithstanding the rate of payment at the time of entry, the department shall ensure that the recipient shall receive the quality of care consistent with the level of care as determined by the department; and

- (2) If the operator does not provide the quality of care consistent with the needs of the individual as determined by and to the satisfaction of the department, the department may reduce the rate of payment, or adjust the level of care, or remove the recipient to another facility.

The department shall handle abusive practices under this section in accordance with chapter 91.

Nothing in this subsection shall allow the director to remove a recipient from an adult residential care home or other similar institution if the recipient does not desire to be removed and the operator thereof is agreeable to the recipient remaining therein, except where the recipient requires a higher level of care than provided thereby, or where the recipient no longer requires any domiciliary care.”

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

SECTION 3. This Act shall take effect upon its approval.

(Approved May 25, 1995.)