

ACT 241

H.B. NO. 2062

A Bill for an Act Relating to Long-Term Care.

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

SECTION 1. The legislature has made it a priority to find solutions to Hawaii's predicted long-term care crisis based on the state's rapidly aging population. Many families in Hawaii choose to care for elderly or disabled family members in their homes rather than in a facility. However, in-home care does not allow the same financing options through Medicaid as licensed nursing facilities. Additionally, the medical needs of the person being cared for may change, thereby requiring a different type of care.

It is the legislature's intent to promote independence and choice by allowing individuals, who are eligible under Medicaid to receive nursing facility care, to receive the full spectrum of service options available, including:

- (1) Admittance to a nursing facility;
- (2) The option to remain in the individual's community and receive home- and community-based long-term care, support, and services; and

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- (3) The option to relocate from a nursing facility back to the individual's community and to receive home- and community-based long-term care, support, and services.

SECTION 2. The department of human services shall apply to the federal Centers for Medicare and Medicaid Services to allow persons who are eligible to receive medicaid funds for care at nursing home facilities to remain at home and receive home- and community-based long-term care; provided that the cost for the home- and community-based services shall not exceed the total expenditures that would have been incurred if the person received facility-based long-term care, services, or support.

SECTION 3. This Act shall take effect on July 1, 2008.

(Became law on July 8, 2008, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)