

A Bill for an Act Relating to Community Care Foster Family Home.

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

SECTION 1. Community care foster family homes were originally created, and more recently expanded, to serve medicaid clients who, due to a lack of financial resources, have limited options for long-term care. In 2006, Act 270, codified in section 346-331, Hawaii Revised Statutes, granted the department of human services the discretion to expand the maximum allowable capacity of community care foster family homes from two to three beds, provided that two of those beds are occupied by medicaid clients. This was done to help preserve adequate space in long-term care facilities for those with limited options.

Since September 2005, five hundred new community care foster family homes have opened and new homes continue to be opened. However, there is also an increasing need for community care foster family homes as Hawaii continues to have an aging population which is expanding faster than national rates. It is clear that a large portion of this population will be medicaid eligible meaning that there will be a larger population sharing fewer resources.

While this presents very real logistical difficulties, there is also a recognized need to accommodate private-pay individuals who share a long-term relationship. As the cost of medical care continues to rise, it is becoming apparent that even those who do not rely on medicaid for their long-term care cannot afford the cost of private care, leaving this population, also, with limited options.

The purpose of this Act, therefore, is to effectuate a balance among the varied needs of Hawaii's aged population by allowing the department of human services to establish a temporary demonstration project that permits two private-pay individuals to be cared for in the same community care foster family home, provided they meet certain qualifying conditions. The demonstration project will be monitored and evaluated by the department of human services on its effects on space availability for medicaid clients in the community care foster family homes.

SECTION 2. Notwithstanding the definition of "community care foster family home" under section 346-331, Hawaii Revised Statutes, the department of human services may establish and implement a two-year demonstration project to allow two private-pay individuals to be cared for in the same community care foster family home; provided that all of the following conditions are met:

- (1) The community care foster family home is certified for three beds;
- (2) Operators of three-bed community care foster family homes immediately notify the department of human services or its designee of any vacancy in writing;
- (3) The community care foster family home has had a vacancy in the third bed for at least six consecutive months; provided further that the department of human services may waive this requirement if, during the six preceding months, there has been a minimum of three vacant beds available for medicaid clients at other community care foster family homes within a thirty-minute drive on the island of Oahu or a sixty-minute drive on the neighbor islands;
- (4) The two, private-pay clients are in a relationship with each other as:
 - (A) A married couple;
 - (B) Reciprocal beneficiaries;
 - (C) Siblings;

- (D) A parent and a child; or
- (E) Best friends;
- (5) One member of the private-pay couple has been in residence at the community care foster family home for at least the five preceding consecutive years; and
- (6) There is certified medical documentation that the member of the private-pay couple who has been residing in the community care foster family home has a medical condition that prevents the individual from being moved from the community care foster family home.

SECTION 3. The department of human services shall:

- (1) Monitor and evaluate the demonstration project for its impact on the availability of space for medicaid clients during this two-year demonstration project; and
- (2) Submit to the legislature a report of its findings and recommendations no later than twenty days prior to the convening of the regular session of 2011.

SECTION 4. It is the intent of this Act not to jeopardize the receipt of any federal aid. If this Act is found to be in conflict with federal requirements that are a prescribed condition for the allocation of federal funds to the State, this Act shall be deemed void.

SECTION 5. Any person under the demonstration project shall be allowed to remain in the community care foster family home in which they reside upon the repeal of this Act.

SECTION 6. This Act shall take effect upon its approval, and shall be repealed two years from its effective date.

(Approved April 22, 2009.)