

**ACT 237**

S.B. NO. 2779

A Bill for an Act Relating to the Aging and Disability Resource Centers.

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

SECTION 1. The legislature finds that the aging and disability resource centers initiative is a collaborative federal and state multi-agency effort with the support of the counties led by the United States Administration on Aging and Centers for Medicare and Medicaid Services to streamline access to long-term supports and services for older adults, persons with disabilities, family caregivers, and providers.

Aging and disability resource centers are designed to address the frustrations many consumers and their families experience when they need to obtain information and access to long-term supports and services. In many communities, long-term supports and services are administered by multiple agencies, both public and private, and have complex, fragmented, and often duplicative intake, assessment, and eligibility functions. Determining how to obtain long-term supports and services can be difficult. A single, coordinated system of information

and access for all persons seeking long-term supports and services minimizes confusion, enhances individual choice, and fosters informed decision-making. It also improves the ability of state and county governments to manage resources and monitor program quality through centralized data collection and evaluation, which will result in the ability to target existing resources where they are most needed, better estimate future need, and develop long-term strategies for sustainability.

Aging and disability resource centers use two broad strategies to divert persons from unnecessary and costly long-term institutional care and ensure that short-term institutional stays do not become permanent: (1) intervening with options counseling; and (2) expediting eligibility determination processes for home- and community-based services. Aging and disability resource centers serve a critical role in improving the ability of state and county governments to effectively manage the long-term supports and services system, monitor program quality, and measure responsiveness of state and county systems of care.

The purpose of this Act is to codify the authorization for the establishment of a statewide aging and disability resource center with sites in each county.

SECTION 2. Chapter 349, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**“PART . AGING AND DISABILITY RESOURCE CENTERS PROGRAM**

**§349- Definitions.** As used in this part, unless the context otherwise requires:

“Aging and disability resource centers” means an entity established by the State as part of the state system of long-term care serving as a highly visible and trusted source where people of all incomes and ages can obtain information on the full range of long-term support options and a single point of entry for access to public long-term support programs and benefits.

“Area agency on aging” means the agency in each county designated by the executive office on aging, under section 305(a)(2)(A) of the Older Americans Act, P.L. 89-73, as amended, to facilitate the area-wide development and implementation of a comprehensive, coordinated system for providing long-term care in home and community-based settings, in a manner responsive to the needs and preferences of older individuals and their family caregivers.

“Dementia” means a group of symptoms affecting intellectual and social abilities severely enough to interfere with daily functioning.

“Developmental disability” means a severe, chronic disability of an individual that:

- (1) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (2) Is manifested before the individual attains age twenty-two;
- (3) Is likely to continue indefinitely;
- (4) Results in substantial functional limitations in three or more of the following areas of major life activity:
  - (A) Self-care;
  - (B) Receptive and expressive language;
  - (C) Learning;
  - (D) Mobility;
  - (E) Self-direction;
  - (F) Capacity for independent living; or
  - (G) Economic self-sufficiency; and

- (5) Reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

An individual from birth to age nine, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting three or more of the criteria described in paragraphs (1) through (5) of this definition if the individual, without services and supports, has a high probability of meeting three or more of those criteria later in life.

“Family caregiver” means a spouse, adult child, other relative, partner, or friend who has a personal relationship with, and provides a broad range of unpaid assistance for an older adult with a chronic or disabling condition.

“Informal caregiver” means a person who provides care for an older person or person with a disability who needs long-term supports and services, but does not receive compensation.

“Intellectual disability” means a person’s attributes or characteristics that demonstrate a limitation in intellectual functioning and adaptive behavior as expressed in conceptual, social, and practical skills, which are apparent prior to the age of eighteen. This definition shall be based on the following assumptions:

- (1) Limitations in present functioning shall be considered within the context of community environments typical of the individual’s age peers and culture;
- (2) Validate assessment considers cultural and linguistic diversity as well as differences in communication, sensory, motor, and behavioral factors;
- (3) Within the individual, limitations often coexist with strengths;
- (4) An important purpose of describing limitations is to develop a profile of needed supports; and
- (5) With appropriate personalized supports over a sustained period, the life functioning of the person with intellectual disability generally will improve.

“Long-term supports and services” means the broad range of assistance and care needed by older persons or persons with physical or mental disabilities who have lost or never acquired the ability to function independently.

“Options counseling” means an interactive decision-support process whereby consumers, family members, and significant others are supported in their deliberations to determine appropriate long-term care choices in the context of a consumer’s needs, preferences, values, and individual circumstances.

“Physical disability” means the broad range of disabilities including orthopedic, neuromuscular, cardiovascular, and pulmonary disorders, which may be congenital or a result of aging or injury.

“Severe mental illness” means one of several diseases that affects the brain and significantly and functionally impairs an individual for an indefinite period of time.

**§349- Aging and disability resource centers; established.** (a) A state-wide aging and disability resource center may be established with sites in each county to streamline access to long-term supports and services by integrating the full range of long-term supports and services into a single, coordinated system.

(b) The aging and disability resource center may be the single point of entry in every county where persons of all ages, incomes, and disabilities may access information in a person-centered manner on the full range of long-term supports and services options, including but not limited to:

- (1) Federal, state, and county revenue-funded programs and services including those funded by medicaid, medicare, the Older Americans Act, the Department of Veterans Affairs, and kupuna care;
- (2) A centralized application process for publicly funded long-term services and supports;
- (3) Privately administered programs and services;
- (4) Supports and services for persons with Alzheimer’s disease and other related dementia;
- (5) Transportation services;
- (6) Housing options;
- (7) Elder rights protection;
- (8) Hospital and nursing home discharge planning and care transition;
- (9) Health, prevention, and wellness programs;
- (10) Support for grandparents raising grandchildren and other relatives age fifty-five years or older caring for children;
- (11) Informal and family caregiver support services; and
- (12) Community resources and services for individuals with disabilities.

(c) The aging and disability resource centers shall target delivery of services to:

- (1) Persons sixty years of age and older;
- (2) Persons of any age with physical disabilities, severe mental illness, dementia, and developmental or intellectual disabilities;
- (3) Informal and family caregivers providing assistance to persons needing long-term supports and services;
- (4) Professionals seeking long-term supports and services on behalf of their clients; and
- (5) Persons planning for their future long-term supports and services needs.

(d) The executive office on aging shall coordinate the implementation of the statewide aging and disability resource center.

(e) The aging and disability resource center may be a function of each area agency on aging within the respective geographic service area.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,400,000 or so much thereof as may be necessary for fiscal year 2012-2013 for the executive office on aging of the department of health to administer and establish a statewide aging and disability resource center with sites in each county.

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

SECTION 4. This Act shall take effect on July 1, 2012.

(Approved July 6, 2012.)