

## ACT 203

S.B. NO. 2853

A Bill for an Act Relating to Developmental Disabilities Adult Foster Homes.

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

SECTION 1. Section 321-11.2, Hawaii Revised Statutes, is amended to read as follows:

**“§321-11.2 Adult foster homes.** (a) The department of health is authorized to certify adult foster homes for individuals with developmental ~~[disabilities]~~ or intellectual disabilities requiring ~~[such]~~ care beyond the individual's eighteenth birthday. “Adult foster home” means a private family home providing care on a twenty-four hour basis ~~[for]~~ to adults with developmental or intellectual disabilities. To be certified, an adult foster home shall ~~[have]~~ house not more than two adults with developmental or intellectual disabilities who are unrelated to the certified caregiver at the same time~~[-, who are unrelated to the foster family]~~. The director of health may waive the two-adult limit for certification of that home as an adult foster home; provided that the total number of adults with developmental or intellectual disabilities in the ~~[certified]~~ home shall not exceed three adults with developmental or intellectual disabilities~~[-]~~ who are related or unrelated to the certified caregiver.

For the purposes of this subsection:

“Certified caregiver” means an individual who is twenty-one years of age or older, resides in an adult foster home, and has been issued by the department a valid certificate of approval to provide care, training, and supervision on a twenty-four hour basis to adults with developmental or intellectual disabilities.

“Related” means connected by legal guardianship, trusteeship, blood, marriage, or a legal relationship between the certified caregiver and the adult with developmental or intellectual disabilities.

(b) To accommodate residents of a foster boarding home for children with developmental or intellectual disabilities who reach the age of eighteen years, where the home is certified as a foster boarding home for children under section 346-17, the director of health may waive the two-adult limit for certification of that home as an adult foster home~~[-]~~; provided that:

- (1) ~~[the]~~ The total number of foster children with developmental or intellectual disabilities and adults with developmental or intellectual disabilities in such a dually certified home shall not exceed ~~[five]~~ three; and

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- (2) ~~[nø]~~ No new adults may be admitted into the home while there are any foster children residing in the home.

This subsection shall not affect the validity of the certification of any adult foster home that is certified as a foster boarding home under section 346-17 and in existence as of the effective date of Act ., Session Laws of Hawaii 2014.

(c) An existing adult foster home shall not be given dual certification if the certification as an adult foster home precedes dual certification, unless the certification as a foster boarding home under section 346-17 is for a specific child, as provided in the department of human services' administrative rules.

~~[(b)]~~ (d) The rules of the department of human services adopted under authority of section 346-17, which prescribe the standards of conditions and competence of operation of child foster boarding homes shall apply to adult foster homes. Notwithstanding chapter 91, to the contrary, the rules shall be considered adopted by the department of health on July 1, 1986, for the purpose of regulating adult foster care homes and shall be valid until the department of health adopts rules pursuant to chapter 91. The department of health shall adopt rules pursuant to chapter 91 necessary for the purposes of this section.

~~[(e)]~~ (e) Rate of payment for adult foster homes is to be determined on the same basis as domiciliary care homes as provided under section 346-53.”

SECTION 2. Upon this Act's approval, the revisor of statutes shall insert the number of this Act in section 321-11.2(b), Hawaii Revised Statutes, as amended by section 1.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved July 2, 2014.)