RELATING TO SERVICES FOR KUPUNA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. In 2012, the legislature established in statute the kupuna care program within the executive office on aging to provide long-term services and supports to address the needs of Hawaii's kupuna to age in their own homes. The program is implemented through the area agencies on aging in each county. The program offers two service options: traditional service delivery through contracted providers or participant-directed services and supports.

In 2017, the legislature established the kupuna caregivers program in the executive office on aging to focus on working caregivers and provide assistance to enable them to remain in the workforce. The county area agencies on aging implement and execute the kupuna caregivers program. For the kupuna caregivers program, the qualified caregiver must work at least 30 hours per week and is awarded $70 per day paid to the contracted provider with the area agency on aging and providing care to the care recipient. If additional services are needed
for the care recipient, kupuna care services are also provided. In 2019, the Legislature modified the amount provided to caregivers to $210 per week to allow provider agencies more flexibility to increase the number of caregivers receiving services. Due to the COVID-19 pandemic in 2020, many caregivers lost their jobs and contracted service providers either closed or decreased their services. This increased the burden on caregivers and their caregiving duties. With the uncertainty of the State's economic situation and when businesses will be able to recover, caregivers and service have been forced to develop a "new normal." To give more flexibility to the kupuna caregivers program, the executive office on aging recommends that the area agencies on aging be allowed to have more options to better serve kupuna and their caregivers.

The purpose of this Act is to amend chapter 349, part II, entitled kupuna care and caregiver support services, Hawaii Revised Statutes, to allow for qualified caregivers to work less than 30 hours a week or be unemployed during a declared state of emergency, add the definition of a financial management service provider, and add traditional services and kupuna caregiver-directed services to the kupuna care program.

SECTION 2. Section 349-16, Hawaii Revised Statutes, is amended to read as follows:

HTH-06(21)
Definitions. Unless the context clearly requires a different meaning, when used in this part:

"Activities of daily living" means the following activities that individuals perform as a part of daily living: eating, dressing, bathing, toileting, transferring in and out of a bed or chair, and walking.

"Adult day care" means personal care for dependent elders in a supervised, protective, and congregate setting during some portion of a day. Services offered in conjunction with adult day care include social and recreational activities, training, and counseling.

"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 get 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 an agency designated by the executive office on aging to develop and administer the area plan for a comprehensive and coordinated system of aging services.
"Assisted transportation" means assistance and transportation, including escort, for a person who has cognitive or physical difficulties using regular vehicular transportation. "Attendant care" means standby assistance, supervision, or cues, including verbal prompts for medication, bathing, eating, grooming, and dressing, and may include other activities to help maintain the independence of an individual at home. "Attendant care" does not include physical contact in support, including but not limited to weight-bearing assistance with transfers, washing, bathing, and dressing.

"Care coordination" means a person-centered, assessment-based, interdisciplinary approach to integrating health care and social support services that are tailored to an individual's needs and goals across all care services.

"Care recipient" means an individual who:

(1) Is a citizen of the United States or a qualified alien; provided that for the purposes of this paragraph, "qualified alien" means a lawfully admitted permanent resident under the Immigration and Nationality Act;

(2) Is sixty years of age or older;
(3) Is not covered by any comparable government or private home- and community-based care service, except or excluding kupuna care services;

(4) Does not reside in a long-term care facility, such as an intermediate care facility, assisted living facility, skilled nursing facility, hospital, foster family home, community care foster family home, adult residential care home, or expanded adult residential care home; and

(5) Has impairments of at least:

(A) Two activities of daily living;

(B) Two instrumental activities of daily living;

(C) One activity of daily living and one instrumental activity of daily living; or

(D) Substantive cognitive impairment requiring substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or another person.

"Case management" means assistance either in the form of access or care coordination in circumstances where an individual is experiencing diminished functioning capacities, personal conditions, or other characteristics that require the provision
of services by formal service providers or family caregivers. Activities of case management may include assessing needs, developing care plans, authorizing and coordinating services among providers, and providing follow-up and reassessment, as required.

"Chore" means assistance such as heavy housework, yard work, or sidewalk maintenance for a person.

"Coach" means an individual who:

(1) Helps the care recipient understand the program of participant-directed services and support;

(2) Develops and implements a spending plan to describe how the care recipient will spend the care recipient's budget; and

(3) Evaluates whether the participant-directed service and support program is meeting the care recipient's needs.

(4) Assists care recipient and caregiver with enrollment into programs and completing necessary forms, including but not limited to, state and federal tax forms, privacy and confidentiality forms, criminal background checks, financial management forms, employer and employee related forms, and forms requested by the executive office on aging.
"Family caregivers" 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.

"Financial management service provider" means a service provider who is a fiscal agent and is responsible for financial payments on behalf of the care recipient enrolled in a participant-directed or kupuna caregiver-directed program.

"Home-delivered meals" means a meal provided to a care recipient in the care recipient's place of residence; provided that the meal is served in a program administered by the executive office on aging or an area agency on aging and meets all of the requirements of the Older Americans Act of 1965, as amended, and all state and local laws.

"Homemaker [services]" means services that provide assistance with preparing meals, shopping for personal items, managing money, using the telephone, or performing light housework.

"Instrumental activities of daily living" means the following instrumental activities that individuals perform as a part of daily living: preparing meals, shopping for personal items, medication management, managing money, using the
telephone, performing light housework, performing heavy
housework, and making use of available transportation.

"Kupuna care core services" means services consisting of:
(1) Adult day care;
(2) Attendant care;
(3) Case management;
(4) Chore;
(5) Homemaker services;
(6) Home-delivered meals;
(7) Personal care;
(8) Transportation; or
(9) Assisted transportation.

"Personal care" means personal assistance, standby
assistance, supervision, or cues.

"Person-centered planning" means a process, directed by the
care recipient, intended to identify the strengths, capacities,
preferences, needs, and desired outcomes of the care recipient.

"Person-centered support plan" or "support plan" means a
plan developed by a care recipient [with the assistance of a
caregiver] and the recipient's qualified caregiver that [allows]
identifies the needs of the care recipient [to establish the
goals, skills, and knowledge necessary to work toward the
desired outcomes and lays out practical steps toward the
achievement of the goals, provided that family members and
friends may provide assistance in developing a care recipient's
plan if the care recipient chooses to include them, and allows
the caregiver to remain in the workforce.

"Qualified caregiver" means an individual who meets the
following requirements:

(1) Provides care for a care recipient; and

(2) Is employed at least thirty hours per week by one or
more employers, or has reduced hours or is
unemployed during a declared state of emergency.

"Respite care" means services that offer temporary,
substitute supports, or living arrangements for care recipients
to provide a brief period of rest to qualified caregivers.

"Respite care" includes:

(1) In-home respite (personal care, homemaker services,
and other in-home respite);

(2) Respite provided by attendance of the care recipient
at a nonresidential program;

(3) Institutional respite provided by placing the care
recipient in an institutional setting such as a
nursing home for a short period of time as a respite
service to the caregiver; and
(4) Any combination of services to assist the caregiver as
deemed appropriate by the area agency on aging.

"Service provider" means an entity that has all required
licenses or certificates, and is registered as a business entity
in the State.

"Transportation" means transportation from one location to
another with a vehicle and does not include any other activity."

SECTION 3. Section 349-18 Hawaii Revised Statutes, is
amended to read as follows:

"§349-18 Kupuna caregivers program. (a) The
executive office on aging may establish the kupuna caregivers
program. The program shall provide assistance to a qualified
caregiver who meets the requirements of this section.

(b) The program shall be coordinated and administered by
the executive office on aging and implemented through the area
agency on aging. The executive office on aging shall develop
and implement a plan to maximize the number of caregivers served
by the program.

(c) The kupuna caregivers program shall be delivered
through two distinct service options: traditional service
delivery or kupuna caregiver-directed services (kupuna
caregiver-directed services), based on an support plan for each
eligible care recipient and the care recipient's qualified
caregiver; provided that:

(1) Traditional service delivery shall be through a
service provider organization or person who provides
services to clients under a formal contractual
arrangement with the executive office on aging or area
agency on aging who shall deliver to each care
recipient one or more services identified in section
349-18(d) to address the care recipient's specific
needs that have been identified in the care
recipient's and caregiver's support plan; and

(2) Kupuna caregiver-directed services shall address the
care recipient's assessed needs and allow for the
qualified caregiver to remain in the workforce. The
care recipient and qualified caregiver shall have
shared decision-making authority over the budgeted
dollar amount to purchase and manage the needed
services and supports. Kupuna caregiver-directed
services shall provide the care recipient and
caregiver with a coach to assist the care recipient
with enrollment into the kupuna caregiver-directed
program to maintain independence and a quality living
experience in the community, and assist the caregiver
with enrollment into the kupuna caregiver-directed
program to maintain employment.

[(e)] (d) The kupuna caregivers program shall award an
allocation of funds, subject to the availability of funding and
up to a maximum of $210 per week, to cover costs for services
that would otherwise be performed by the qualified caregiver for
the care recipient, including but not limited to:

(1) Care coordination or case management;
(2) Adult day care;
(3) Assisted transportation;
(4) [Chore] Chore;
(5) Home-delivered meals;
(6) Homemaker [services];
(7) Personal care;
(8) Respite care; or
(9) Transportation;

provided that the allocated funds shall be issued directly to
the service provider or financial management service provider
upon request and receipt of an invoice for services rendered."

SECTION 4. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.
SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY: [Signature]

BY REQUEST
Report Title:
Executive Office on Aging; Kupuna Care; Kupuna Caregivers

Description:
Adds kupuna caregiver-directed services to kupuna caregivers program. Includes financial management service provider and additional duties for the coach. Allows for qualified caregivers to work less than 30 hours a week or be unemployed during a declared state of emergency.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.
JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO SERVICES FOR KUPUNA.

PURPOSE: Amend work eligibility requirement during a Governor proclaimed state of emergency and add kupuna caregiver-directed services as an option in the kupuna caregivers program.

MEANS: Amend sections 349-16 and 349-18, Hawaii Revised Statutes.

JUSTIFICATION: During the Governor's declared state of emergency many working caregivers are now unemployed and ineligible for the kupuna caregivers program based on the program's minimum work week requirement of 30 hours a week. Additionally, qualified caregivers are limited to only using service providers that are contracted by the county area agencies on aging. Due to state and county COVID-19 mandates and CDC guidelines for social distancing these providers have either closed or provide limited service capacity. Adding kupuna caregivers-directed services to the list of services offered under the kupuna caregivers program will provide flexibility to the county area agencies on aging and provide caregivers an additional option of services for their care recipient.

The kupuna caregivers-directed services shall include a financial management service provider, contracted by the Executive Office on Aging, who is responsible for financial payments on behalf of participants enrolled in the kupuna caregivers-directed program. The role of the coach is expanded to also include assistance with enrollment into the kupuna caregivers program and completing necessary forms.

HTH-06(21)
Impact on the public:
Adding kupuna caregivers-directed services to the list of services offered under the kupuna caregivers program will provide flexibility to the county area agencies on aging and provide caregivers an additional option of services for their care recipient. Qualified caregivers, and more importantly their care recipients enrolled in the kupuna caregivers program, will continue to receive these services.

Impact on the department and other agencies:
The Executive Office on Aging will provide programmatic and administrative guidance to the county area agencies on aging related to implementing kupuna caregivers-directed services as an additional option under the list of services for the kupuna caregivers program.

GENERAL FUND: None

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HTH 904.

OTHER AFFECTED AGENCIES: Area Agencies on Aging.

EFFECTIVE DATE: Upon approval.