A BILL FOR AN ACT

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 county area agencies on aging. 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 thirty hours per week and is awarded $70 per day paid to the contracted provider with the county 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 coronavirus disease 2019 pandemic in 2020, many caregivers lost their jobs and contracted service providers either closed or decreased the provision of 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 services 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, Hawaii Revised Statutes, entitled kupuna care and caregiver support services, to allow for qualified caregivers to work less than thirty hours per week 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 as follows:

1. By adding a new definition to be appropriately inserted and to read:

"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.

2. By amending the definition of "coach" to read:

"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[; and]

(4) Assists the 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.

3. By amending the definition of "homemaker" to read:
"Homemaker [services]" means services that provide
assistance with preparing meals, shopping for personal items,
managing money, using the telephone, or performing light
housework.

4. By amending the definition of "kupuna care core
services" to read:
"Kupuna care core services" means services consisting of:
(1) Adult day care;
(2) Attendant care;
(3) Case management;
(4) [Chores+] Chore performance;
(5) Homemaker [services];
(6) Home-delivered meals;
(7) Personal care;
(8) Transportation; or
(9) Assisted transportation.
5. By amending the definition of "person-centered support plan" to read:

"Person-centered support plan" or "support plan" means a plan developed [by a] with the care recipient [with the assistance of a coach] and the recipient's qualified caregiver that [allows] identifies the needs and desired outcomes 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 recipient's qualified caregiver to remain in the workforce.

6. By amending the definitions of "qualified caregiver" and "respite care" to read:

"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[ ]; provided that the requirements of
this paragraph shall not apply 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 [+], including 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."

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 provide services based on a support plan for each eligible care recipient and the care recipient's qualified caregiver, and shall be delivered through two distinct service options: traditional service delivery or kupuna caregiver-directed services; 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 and who shall deliver to each care recipient one or more services identified in subsection (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 share 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.

(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 performance;

(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.

[e] The director may adopt rules pursuant to chapter
91 necessary for the purposes of this section."

SECTION 4. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2050.
Report Title:
Executive Office on Aging; Kupuna Care; Kupuna Caregivers

Description:
Includes in the kupuna caregivers program kupuna caregiver-directed services. Includes financial management service provider and additional duties for the coach. Allows for qualified caregivers to work less than 30 hours per week during a declared state of emergency. Effective 7/1/2050. (SD2)

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