

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 9 COMMUNITY LONG-TERM CARE PROGRAMS

CHAPTER 1417

ADULT DAY CARE SERVICES

§17-1417-1	Purpose
§17-1417-2	Goals
§17-1417-3	Definitions
§17-1417-4	Eligibility requirements
§17-1417-5	Geographic areas of service
§17-1417-6	Scope of service
§17-1417-7	Authorization of service
§17-1417-8	Reduction or termination of service

Historical Note: Chapter 17-1417 is based substantially upon chapter 17-915. [Eff 7/19/82; am 9/16/83; am 3/30/84; am 8/09/86; R 6/29/92]

§17-1417-1 Purpose. Adult day care services shall be for the purpose of providing disabled adults a sheltered setting and specified activities. The sheltered setting and activities shall support and promote the adult's level of functioning and ability to remain or be maintained safely in the community outside institutions and other care facilities. [Eff 6/29/92] (Auth: 45 C.F.R. §1396.5(d), HRS §§346-14, 346.83) (Imp: 42 U.S.C §1397)

§17-1417-2 Goals. Adult day care services for disabled adults shall be provided in accordance with the following goals:

- (1) To prevent or reduce inappropriate or premature institutional care by providing community-based care; and

- (2) To prevent or remedy neglect, abuse or exploitation of adults who are unable to independently protect their own interests. [Eff 6/29/92] (Auth: 45 C.F.R. §1396.5(d), HRS §§346-14, 346-83) (Imp: 42 U.S.C. §1397)

§17-1417-3 Definitions. For the purpose of this chapter:

"Disabled adult" means an adult who has been determined to have a physical or mental disability.

"Adult day care center" means a licensed facility maintained and operated by an individual, organization, or agency for the purpose of providing regular care which includes supportive care to four or more disabled adults. The facility shall meet licensing rules specified in chapter 17-1424.

"Adult day care services" means services provided through an organized program of personal care, supervision, social services, therapy, and group and leisure activities as specified in section 17-1417-6, in a licensed adult day care center. [Eff 6/29/92] (Auth: HRS §§346-14, 346-83) (Imp: HRS §§346-14, 346-82)

§17-1417-4 Eligibility requirements. (a) In order to be eligible for adult day care services, the individual shall meet one of the following requirements:

- (1) Income maintenance status as specified in section 17-1416-20(2)(A); or
- (2) Without regard to income status for individuals who require protective services as specified in section 17-1416-20(2)(B). When the department determines that protection is no longer needed as specified in section 17-1421-15, the recipient shall be assisted to apply for adult day care services, and eligibility shall be established as specified in paragraph (1).

(b) In addition to meeting categorical eligibility requirements specified in subsection (a),

the disabled adult shall meet the following program eligibility requirements:

- (1) The adult shall live with a spouse, relative, or friend, or shall live alone, and shall require supportive care and supervision for one of the following reasons:
 - (A) The person responsible for the adult's care is absent from the home by reason of employment;
 - (B) Enrollment in an adult day care center provides relief to the adult's caretaker for part of the day in order to sustain the adult in the home; or
 - (C) The social worker's assessment based upon discussions with the adult or with a knowledgeable third party is that the adult who is living alone is unable to maintain the current level of social, emotional, or physical functioning without supportive day care services; or
 - (2) The adult who is being placed in a licensed adult residential care home shall require adult day care services for the following reasons:
 - (A) The adult is a current participant in the adult day care program who now requires placement in a licensed adult residential care home;
 - (B) Continued enrollment in the adult day care program will provide the social interactions and interrelationships needed by the adult during the transitional period from the adult's home to the placement facility; and
 - (C) The service is required for a specific time which does not exceed six months; and
 - (3) The adult has a physical or mental disability which has been verified by a medical or psychological report describing the individual's condition and suitability for the day care program; and
 - (4) The adult desires and is capable of participating in the day care program.
- (c) An applicant placed on a department waiting list for adult day care services as specified in

section 17-1416-11(b) shall be removed from the waiting list when sufficient resources become available within the following geographic areas:

- (1) Oahu;
- (2) Kauai;
- (3) Maui;
- (4) East Hawaii; and
- (5) West Hawaii.

Requests for adult day care services within each geographic area shall be numbered in the order of receipt by the department. [Eff. 6/29/92; am 4/17/95; am 10/28/95] (Auth: HRS §§346-14, 346-83) (Imp: HRS §321-15.1; 42 U.S.C. §§1397a, 1397c)

§17-1417-5 Geographic areas of service. Adult day care services shall be available to adults in geographic areas served by adult day care centers contracted by the department to provide the services. Accessibility shall only be to the extent that spaces are available in these centers for individuals determined eligible for services by the department. [Eff 6/29/92] (Auth: HRS §§346-14, 346-83) (Imp: 42 U.S.C. §§1397a, 1397c)

§17-1417-6 Scope of service. (a) Adult day care services shall be appropriate for adults and shall be provided according to the adult's needs based upon initial and continual assessments by the adult day care center staff. Assessments shall be based upon the physician's report of limitations and upon the day care staff's personal observation of the adult's interests and limitations as a center program participant. Adult day care services shall include, but are not limited to, the following activities:

- (1) Therapeutic, social, educational, recreational, and other activities, including, but not limited to:
 - (A) Arts and crafts;
 - (B) Field trips;
 - (C) Companionship which involves group activities and social interaction with other participants and staff;
 - (D) Assistance with and development of self-help skills; and

- (E) Individual and group counseling as needed;
 - (2) Physical exercise to maintain or improve fine motor coordination, such as:
 - (A) Calisthenics;
 - (B) Games;
 - (C) Crafts; and
 - (D) Walks;
 - (3) Reminder to take medication;
 - (4) Rest periods;
 - (5) Family consultation or referral services to appropriate community resources when determined necessary; and
 - (6) Provision of snacks and of meals if specified in the license.
- (b) In addition to the activities specified in subsection (a), adult day care services shall include one or more of the following activities provided by the department's social work staff:
- (1) Casework to strengthen or sustain recipients at home by improving individual or family functioning through the resolution of personal or interpersonal problems including, but not limited to:
 - (A) Resolving problems such as marital problems, financial or home management problems, or stresses that may lead to abuse or neglect; and
 - (B) Helping recipients to carry on normal family living and home management activities during or following the absence or incapacity of the primary caregiver;
 - (2) Assistance to recipients in learning about, applying for, and receiving income entitlements such as social security benefits, state supplemental payments, veterans' benefits, financial assistance, medicaid, or food stamps;
 - (3) Assistance to elderly or disabled recipients in finding, arranging, and participating in programs or organized group activities to help lessen social isolation;
 - (4) Assessment, preparation, and arrangement for the provision of supportive services such as chore or adult foster care which are needed for reasons other than protection; or

- (5) Monitoring and encouraging maximum use of supportive services which enable the family to remain together or the individual to remain at home. [Eff 6/29/92] (Auth: HRS §§346-14, 346-83) (Imp: 42 U.S.C. §§1397a, 1397c; HRS §346-84)

§17-1417-7 Authorization of service. (a) Adult day care services and related costs shall be authorized only as part of a social service plan when the individual meets the eligibility requirements specified in section 17-1417-4. These services and costs shall be subject to the availability of spaces and funds for department eligibles in licensed adult day care centers contracted by the department to provide the service.

(b) Payment authorized shall be for a predetermined period during which the service costs are necessary and shall not cover a period prior to the actual date on which the individual became eligible for the service.

(c) Service costs or fees to the provider on behalf of the participant shall be based upon a purchase of service contract. The provider shall bill the department according to the procedures specified in its contract with the department. The provider may also charge the participant or someone else willing to pay on behalf of the participant, for the difference between the amount the department pays and the actual charge for participation. The participant's inability to meet the costs, if the participant is otherwise eligible for day care services, shall not be used by the purchase of service provider as the basis for non-participation.

(d) Authorization of payment for adult day care service shall be made for adults who are residing independently, or who are residing with a relative, friend, or spouse, or who are residing in a domiciliary care home who meet the eligibility requirements specified in section 17-1417-4.

(e) When the participant is ill and unable to attend the center's program, the department shall hold the participant's space in the center for a period not to exceed one month provided there is some assurance by the participant's attending physician that the individual will be able to return to the program by that time. After one month, if the participant is

still unable to return, payment shall be discontinued.
[Eff 6/29/92, am 4/17/95] (Auth: HRS §346-56) (Imp:
HRS §§346-56, 321-15.1)

§17-1417-8 Reduction or termination of service.

Adult day care services shall be reduced or terminated in accordance with section 17-1416-44 when one or more of the following occurs:

- (1) Conditions for the reduction or termination of services as specified in section 17-1416-45 are met;
- (2) The adult's condition deteriorates to the point where adult day care enrollment is unsuitable;
- (3) The adult who lives in a domiciliary care home has completed six months in the adult day care program;
- (4) The adult is absent from the center for the reasons specified in section 17-1417-7(e);
- (5) The adult is unwilling or unable to make constructive use of service and continuation of the service is determined by the social worker to be contrary to the overall service plan for the adult;
- (6) The department no longer has a contract or ample contracted spaces with the provider and there are no other available department contracted spaces with another provider who can reasonably accommodate the adult;
- (7) The adult does not meet eligibility requirements specified in section 17-1417-4;
- (8) The adult leaves the State;
- (9) The adult moves and leaves no forwarding address or the adult's whereabouts are unknown;
- (10) The adult requests termination of services;
- (11) The service required by the adult is not encompassed by the scope of services as defined in section 17-1417-6;
- (12) Needed services are to be provided through other sources;
- (13) The department lacks available funds to provide adult day care services; or

§17-1417-8

**(14) The adult dies. [Eff 6/29/92; am 4/17/95]
(Auth: HRS §346-56) (Imp: HRS §§346-56, 321-
15.1)**

1417-8