HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 9 COMMUNITY LONG-TERM CARE PROGRAMS

CHAPTER 1419

CHORE SERVICES FOR COMMUNITY LONG-TERM CARE PROGRAMS

§17-1419-1	Goals
§17-1419-2	Definitions
§17-1419-3	Eligibility requirements
§17-1419-4	Geographic areas of service
§17-1419-5	Scope of service
§17-1419-6	Authorization for service
§17-1419-7	Reduction or termination of chore service

§17-1419-1 Goals. (a) Chore services shall be provided eligible recipients who cannot do essential housekeeping activities necessary to remain at home. The intent of chore services shall be to enable the recipients to maintain a stable living arrangement in health and safety as independently as possible.

(b) Chore services shall be consistent with the following goals:

(1) Self-sufficiency by providing some means by which the recipients may achieve, restore, or maintain independent living and self-direction;

(2) Prevention or remedy of abuse, neglect, or exploitation by providing services to the recipients during a protective service period; and

(3) Prevention or reduction of premature or inappropriate institutional care through the provision of home-based care which would allow the recipient to remain in or return home. [Eff 6/29/92; comp 10/28/95] (Auth: HRS §346-14) (Imp: HRS §346-14; 42 U.S.C. §1397)

§17-1419-2 Definitions. For the purpose of this chapter:

"Chore person" means an individual, without specialized training in personal care services or nursing care services, who is hired independently by the recipient or is provided by the department through a purchase of service contract to perform chore services.

"Chore services" means those services provided in the recipient's home to eligible individuals consisting of essential housekeeping and related activities defined in section 17-1419-5, which the recipients cannot do independently because of a physical or mental disability. Chore services do not include services provided in domiciliary care homes as defined in chapter 17-1418 or services in any facility which provides twenty-four hour living accommodations and care for a fee by persons unrelated to recipients who are unable to care for themselves.

"Individual" or "recipient" means an adult, age eighteen or over, who is in need of chore services as specified in this chapter.

"Legal guardian" means:

(1) Any adult who has assumed legal guardianship of a child as the result of a judicial determination under chapter 560, Hawaii Revised Statutes; or

(2) Any person appointed by the court who has the rights and responsibilities over an adult as a parent has over an unemancipated minor subject to the limitations on the powers of the guardian ordered by the court.

"Permanent custodian" means any adult who has assumed permanent custody of a child as the result of a judicial determination under chapter 587, Hawaii Revised Statutes. [Eff 6/29/92; am 11/29/93; am and comp 10/28/95] (Auth: HRS §346-14) (Imp: HRS §346-14; 42 U.S.C. §1397a)

§17-1419-3 Eligibility requirements. (a) To be eligible for chore 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 chore services, and eligibility shall be established as specified in paragraph (1).

(b) In addition to meeting categorical eligibility requirements specified in subsection (a), the individual shall meet the following program eligibility requirements:

(1) Based upon the individual's statements and upon the social worker's observation and judgement, the individual shall have a physical or mental condition which restricts the individual from performing essential housekeeping or home management activities as specified in section 17-1419-5;

(2) The social worker's assessment, based upon observation of and discussion with the individual, is that the individual is able to make constructive use to the service and is willing to assume responsibility for as much self-help and self-care as possible, i.e., the individual does not expect the chore person to perform tasks that the individual is capable of doing;

(3) The individual has no friends or relatives willing and able to assist without charge;

(4) The individual has no spouse in the same home capable of providing the service;

(5) The individual, if living with other adults, requires chore services which other adults in the household declare in writing they are unwilling or unable to provide without charge; and

(6) The individual is not eligible for services that duplicate chore services as specified in section 17-1419-5.

(c) A medical statement of the nature, severity, and duration of the limiting physical or mental condition shall be required when the department questions the individual's ability to meet program eligibility requirements of subsection (b).

(d) An applicant placed on a department waiting list for chore services as specified in section 17-1416-11(d) shall be offered services when sufficient resources become available within the following geographic areas:

(1) Oahu;
(2) Kauai;
(3) Maui;
(4) Molokai;
(5) Lana'i;
(6) East Hawaii; and
(7) West Hawaii.

Requests for chore services within each geographic area shall be numbered in the order of receipt by the department. [Eff 6/29/92; am 11/29/93; am 7/25/94; am and comp 10/28/95; am 10/21/00] (Auth: HRS §346-14) (Imp: HRS §346-14; 42 U.S.C. §1397c)

§17-1419-4 Geographic areas of service. Chore services shall be offered throughout the State subject to budgetary and staffing limitations of the department. [Eff 6/29/92; comp 10/28/95] (Auth: HRS §346-14) (Imp: HRS §346-14; 42 U.S.C. §1397c)

§17-1419-5 Scope of service. (a) Chore services shall be provided according to a service plan developed between the social worker and the recipient.

(b) Services shall be limited to no more than eight hours a day. The maximum weekly hours shall be determined by the department based on the availability of resources.

(c) Chore services shall include one or more of the following activities:

(1) Routine housecleaning such as sweeping, mopping, dusting, making beds, cleaning the toilet and shower or bathtub, taking out rubbish;
(2) Care of clothing and linen by washing, drying, ironing, mending;
(3) Marketing and shopping for household supplies and personal essentials;
(4) Light yard work such as mowing the lawn, raking the lawn, trimming hedges, bundling rubbish for refuse collection;

(5) Simple home repairs such as mending screens, replacing light bulbs, replacing light fixtures, fixing leaky faucets, clearing stopped-up drains;
(6) Preparing meals;
(7) Running errands such as paying bills, picking up medication;
(8) Escorting the recipient to medical care services, nutritional or recreational programs;
(9) Providing to the social worker observations about the recipient's behavior and changes in home management abilities which necessitate more or less service; or
(10) Assistance with bathing, dressing, grooming.

(d) Specific chore activities shall be of a routine nature and shall not require specialized training or professional skills such as those possessed by a nurse or home health aide.

(e) The scope of chore services specified in this section shall cover only the activities which need to be provided to or for the recipient. Chore services which need not be performed exclusively for the recipient and which are mutually beneficial to other adults in the household who do not require chore services (e.g., routine cleaning of areas used also by other adults in the home, preparation of meals which may be shared with other adults in the home, laundering of clothes and linen which may be done with those of other adults in the home) shall be limited to the activities which other adults in the home specifically identify and state in writing they are unwilling or unable to provide without charge.

(f) In addition to the activities specified in subsection (c), chore 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 through the resolution of personal or interpersonal problems such as marital problems, financial problems, or stresses that may lead to abuse or neglect of a dependent adult;
(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 adult day care 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.

(g) Families requiring assistance with the care of minor children in the home shall be referred for child welfare services or child protective services as appropriate. [Eff 6/29/92, am 11/29/93; am and comp 10/28/95] (Auth: HRS §346-14)(Imp: HRS §346-14; 42 U.S.C. §1397c)

§17-1419-6 Authorization for service. (a) The department shall pay for only the chore services identified in section 17-1419-5 and specified in a written social service plan made between the recipient and the social worker.

(b) Chore services shall be authorized according to the total number of hours per day and the total number of weeks or months the specific services are expected to be needed by the recipient based upon the judgment of the social worker. If the recipient lives with other adults who do not need chore services but who benefit by the provision of service, the time allotted the particular task shall be prorated among the adult household members. In the event two or more recipients live in the same home and require the same service (e.g., light cleaning), the time allotted shall be prorated among the recipients.

(c) When the recipient independently hires the chore person, the department shall reimburse the recipient by direct monthly cash payments after service is received at a rate not exceeding the current state minimum hourly wage, and for no more than eight hours a day. The maximum weekly hours shall be determined by the department based on the availability of resources. Chore services cash payments made to recipients shall be made in accordance with section 17-1416-32.

(d) Where the chore service shall be provided through a purchase of service provider, the department shall reimburse the provider agency at the contracted rate but for no more than eight hours a day. The provider may also charge the recipient or someone else willing to pay on behalf of the recipient for the difference between the amount the department pays and the actual charge for chore services. The recipient's inability to meet the charge, if the recipient is otherwise eligible for chore services, shall not be used by the purchase of service provider as the basis to deny the services.

(e) The chore person shall be expected to perform the tasks agreed upon and specified in the service plan.

(1) When the chore person is a minor or an adult for whom a legal guardian has been appointed by the court, written consent from the minor's parent, legal guardian, or permanent custodian or from the adult's legal guardian shall be obtained by the department to verify that the parent, legal guardian, or permanent custodian is in agreement with the tasks to be performed.

(2) If a change in the type or duration of the activity is required, the change shall be agreed upon by the recipient, chore person, chore person's legal guardian, or permanent custodian as applicable, and social worker prior to authorization. [Eff 6/29/92; am 11/29/93; am 7/25/94; am and comp 10/28/95; am 7/1/02] (Auth: HRS §346-14)(Imp: HRS §346-14; 42 U.S.C. §1397c)

§17-1419-7 <u>Reduction or termination of chore service.</u> Chore 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) Friends or relatives of the recipient express willingness to and are able to assist without charge to the recipient;

(3) The social worker's determination based upon observation, discussion, and medical statements when appropriate is that the

recipient's physical or mental condition has worsened to the extent that other more specialized services such as personal care or nursing care are needed;

(4) The recipient's physician has determined and the recipient agrees that the recipient's physical or mental condition has worsened to the extent that the recipient can no longer be sustained safely at home and requires placement on a long-term basis in adult foster care or a medical or nursing facility;

(5) The recipient is unwilling or unable to make constructive use of the service and continuation of the services is determined by the social worker to be contrary to the overall rehabilitation or treatment plan;

(6) The recipient no longer meets eligibility requirements specified in section 17-1419-3;

(7) The social worker's determination based upon observation of and discussion with the recipient and upon medical statements when appropriate is that the recipient's physical or mental condition has improved to the extent that the recipient is able to assume more housekeeping responsibility and that fewer or no chore service hours are required;

(8) The purchase of service provider no longer has a valid contract with the department to provide the service;

(9) Services have not been provided for thirty days and the interruption in service is not related to the placement of the recipient on a short-term basis in adult foster care or a medical or nursing facility, or to medical or legal reasons as verified by a physician or the court;

(10) the recipient leaves the State;

(11) The service required by the recipient is not encompassed by the scope of service defined in section 17-1419-5;

(12) The recipient requests termination of services;

(13) The recipient dies; or

(14) The department lacks available funds to provide chore services. [Eff 6/29/92; am 12/15/94; am and comp 10/28/95] (Auth: HRS §346-14)(Imp: HRS §346-14; 42 U.S.C. §1397c)