

HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 9 COMMUNITY LONG-TERM CARE PROGRAMS

CHAPTER 1426

SENIOR COMPANION PROGRAM

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Historical Note: Chapter 17-1426 is based substantially upon chapter 17-901. [Eff 7/19/82; R JUN 29 1992]

§17-1426-1 Definitions. For the purpose of this chapter:

"ACTION" means the federal agency authorized to provide opportunities for individuals to serve the communities through volunteer programs administered by the agency.

"Care plan" means a written plan integrating the senior companion into a comprehensive program covering the health and social service needs of a client.

"Client" means a frail elderly person who is mentally, emotionally, or physically impaired, or who is suffering sudden illness, injury, or trauma, and is determined by the volunteer station or senior companion program staff as needing the service of a senior companion.

"Grantee" means the agency which has been awarded a grant by ACTION to operate a senior companion program in a specified locale and for a specified budget period.

"Memorandum of understanding" means an agreement prepared by the grantee and signed by the administrator of the grantee agency and the volunteer station which identifies program requirements, working relationships, and mutual responsibilities.

"Senior companion program" means a volunteer program which provides low-income persons aged sixty or older part-time opportunities with stipends to give person-to-person supportive services and companionship to clients to assist them to live as independently as possible in the clients' own homes.

"Stipend" is an hourly payment to senior companions to enable them to serve without cost to themselves. The stipend is non-taxable and not considered as income.

"Volunteer station" means a public or private non-profit social service or health care agency or organization qualified or licensed to provide services for clients that has entered into a memorandum of understanding with the grantee. [Eff JUN 29 1987]
(Auth: HRS §346-56) (Imp: 45 C.F.R. §§1207.1-1, 1207.3-2, 1207.3-4)

§17-1426-2 Eligibility requirements for senior companions. (a) In order to qualify as a senior companion, a person shall meet the following conditions:

- (1) Be sixty years of age or older;
- (2) Have a total annual cash income from all resources at or below the income eligibility level established by the director of ACTION.
 - (A) The income eligibility level established in conformance with the Domestic Volunteer Service Act of 1973 (42 U.S.C. §5061) shall be determined by the national poverty line set forth in section 625 of the Economic Opportunity Act of 1964, as amended, (42 U.S.C. §2971d), to which is added for individual states that amount a state supplements federal supplementary

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- security income payments for an aged individual.
- (B) Income eligibility levels shall be reviewed at least once a year;
- (3) Be physically and mentally able to serve as verified by a physical examination conducted by a licensed physician;
- (4) Not be in the regular work force;
- (5) Be able to accept necessary supervision and be capable of serving assigned clients on a regular basis as a volunteer;
- (6) Be able to regularly participate in the program for a total of not more than twenty hours a week;
- (7) Understand the special needs of the clients and have a desire to help the clients maintain independence; and
- (8) Not have a criminal, employment, or other background history which poses a risk to clients served by the program.
- (A) Applicants and current program participants who have not done so, shall provide the program with information concerning any criminal, employment, and other background history, and consent to history checks by the program. Such information and consent shall be given on forms provided by the program. Applicants shall include those individuals reapplying to the program
- (b) There shall be no enrollment barriers relating to experience, education, race, sex, creed, national origin, or political affiliation.
- (c) Married couples may serve jointly as senior companions when:
- (1) The couple marries after enrollment. Under this condition, each individual may continue to receive a stipend; or
- (2) Either husband or wife serves without receiving a stipend.
- (d) Individuals aged sixty or older may be enrolled in the senior companion program as volunteers without stipends when:
- (1) The individual's income exceeds ACTION's income eligibility guidelines; and
- (2) There is no retired senior volunteer program (RSVP) project co-located with the senior

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- (3) companion program; or
- (3) The RSVP project is unable or unwilling to provide the management role of placing the volunteer at the senior companion program's volunteer station.
- (4) Volunteers enrolled in the senior companion program without stipends shall:
 - (A) Be encouraged to serve twenty hours a week and, to the extent possible, to serve a minimum of two clients on a regular basis; and
 - (B) Be entitled to all senior companion benefits except for the stipend. No appropriated funds shall be used to pay for the benefits. [Eff 6/29/92; am 8/05/93] (Auth: HRS §346-56) (Imp: HRS §90-2; 45 C.F.R. §1207.3-5)

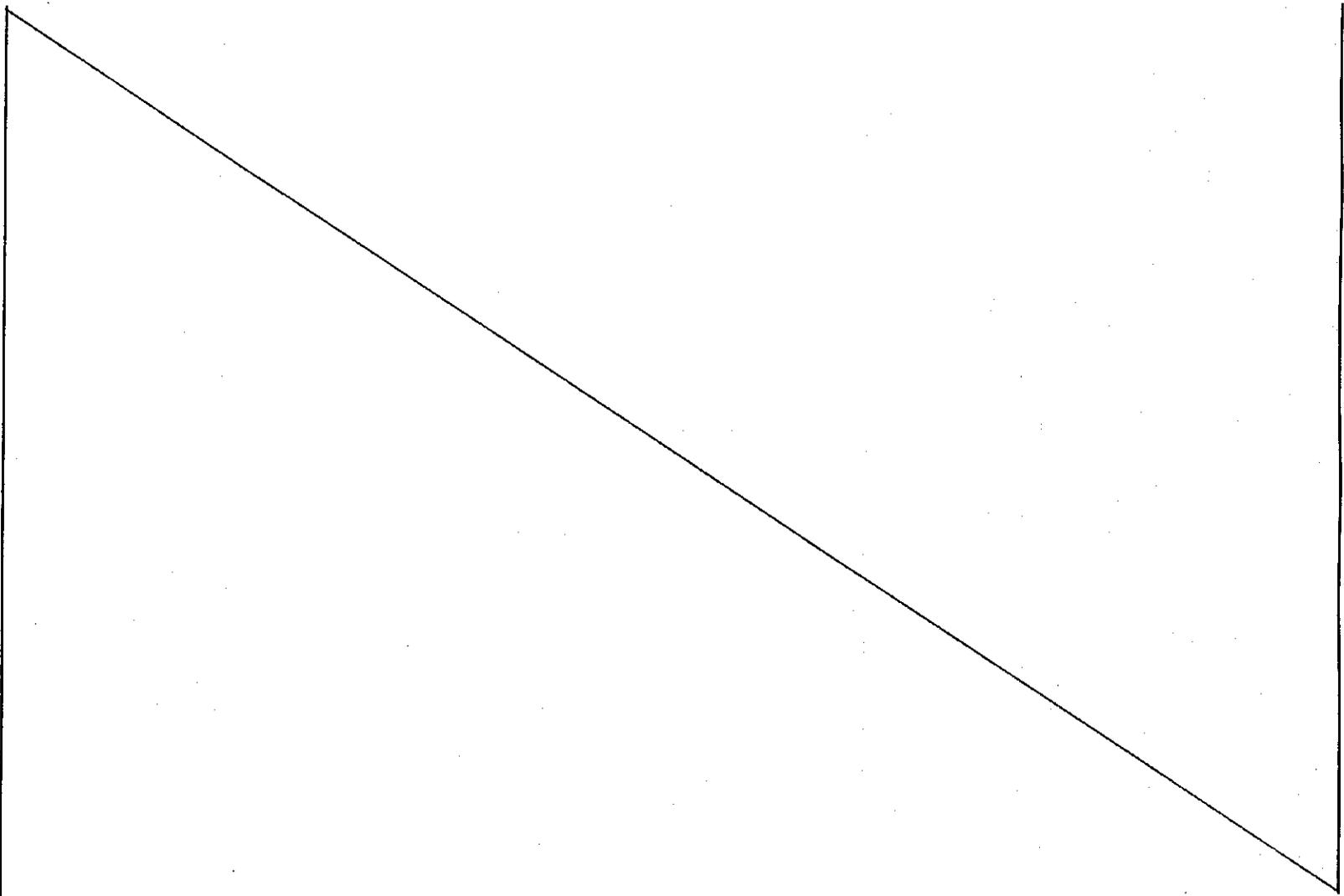
§17-1426-3 Eligibility requirements for clients.
 In order to qualify for senior companion services, the individual shall meet the following conditions:

- (1) The individual shall need the person-to-person assistance of a senior companion in order to maintain independent living within the individual's home; or
- (2) The individual shall be scheduled to be released from a health care facility within two to four weeks and shall need the assistance and support of a senior companion to help prepare the individual to return to and remain in the individual's own home; and
- (3) The individual shall be assessed as needing a senior companion by a volunteer station or senior companion program staff and shall have a written care plan;
- (4) The individual, or the individual's legal guardian, shall sign the care plan authorizing senior companion visits and specifying the activities to be performed before a companion may be assigned to the individual; and
- (5) Be sixty years of age or older. [Eff 6/29/92; am 8/05/93] (Auth: HRS §346-56) (Imp: 45 C.F.R. §§1207.1-1, 1207.3-6)

S17-1426-4 Eligibility requirements for volunteer stations. A volunteer station shall preferably be a twelve month operation and shall meet the following requirements:

- (1) Be within the project service area as defined in an approved federal grant application;
- (2) Be licensed or otherwise certified by an appropriate state or local licensing authority as required;
- (3) Not request or receive any compensation for services of senior companions supervised by the organization; and

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- (4) Be a public, private non-profit organization, or proprietary health care agency organization; and
- (5) Enter into a memorandum of understanding with the program grantee delineating obligations and responsibilities undertaken before senior companions are assigned to the clients. [Eff JUN 29 1992] (Auth: HRS \$346-56) (Imp: 45 C.F.R. \$1207.3-2, 1207.3-4)

\$17-1426-5 Program service limitation. The number of senior companion positions available to eligible senior citizens shall be subject to availability of funds. [Eff JUN 29 1992] (Auth: HRS \$346-56) (Imp: 45 C.F.R. \$1207.2-1)

\$17-1426-6 Senior companion benefits. The senior companions shall be eligible for the following benefits while participating in the program:

- (1) An hourly stipend as determined by Congress which is non-taxable and not considered as income in determining eligibility for various government programs. The stipend shall be based upon the actual number of hours the senior companion serves;
- (2) Transportation allowance as determined by ACTION;
- (3) Physical examination, pre-entry and annual, paid by the program, maximum cost determined by ACTION;
- (4) Meal allowance as determined by ACTION;
- (5) Insurance which shall be limited to the following:
 - (A) Accident insurance;
 - (B) Personal liability insurance; and
 - (C) Excess automobile liability insurance;
- (6) Annual recognition program and awards;
- (7) Uniforms or identification as determined by the program;
- (8) Forty hours of paid orientation prior to assignment;
- (9) Monthly paid in-service training;
- (10) Information and referral to community services;

- (11) Counsel and guidance relative to job or non job-related problems, health, and family; and
- (12) Vacation and sick leave which shall be computed on the number of hours served multiplied by .04038. Vacation and sick leaves shall be computed from the first day of service. Sick leave and vacation shall not be cumulative. However, a maximum of forty hours of sick leave may be carried from year to year if the hours are unused. A doctor's statement shall be required verifying illness and ability to return to the program in the event a senior companion is absent for five consecutive working days. [Eff JUN 29 1992] (Auth: HRS \$346-56) (Imp: HRS \$90-4; 45 C.F.R. \$§1207.4-2, 1207.4-3)

\$17-1426-7 Scope of senior companion services.

- (a) The senior companion's services to clients may include, but shall not be limited to the following:
 - (1) Socialization and recreation, such as arranging social contacts with other people, revitalizing family ties, reading, writing letters, teaching arts and crafts;
 - (2) Assisting in obtaining social services, such as information on senior housing, supplemental income, food stamps, registering in a nutrition program;
 - (3) Personal and health services, such as assisting with personal grooming and hygiene, helping with prescribed physical therapy, providing escort service to the doctor; or
 - (4) Assisting with home management, such as meal planning and preparation, shopping, or paying bills.
- (b) Senior companions shall not perform services such as:
 - (1) Housework that ordinarily would be performed by household members, homemakers, or paid domestic help, such as washing and ironing clothes, scrubbing walls and floors, washing windows;
 - (2) Activities usually performed by doctors or nurses;
 - (3) Signing legal papers for recipients;

- (4) Personal services to families apart from client-related activities;
 - (5) Extensive home repair activities;
 - (6) Activities detrimental to senior companions;
 - (7) Activities not defined in the care plan; and
 - (8) Work of any type for which monetary or other reimbursement is received from the client.
- [Eff JUN 29 1992] (Auth: HRS \$346-56)
(Imp: JUN 29 1992 C.F.R. \$1207.3-3)

\$17-1426-8 Authorization for service. The senior companion program and its services shall be authorized for adults meeting eligibility criteria specified in sections 17-1426-2 and 17-1426-3 and shall be subject to availability of funds. [Eff JUN 29 1992] (Auth: HRS \$346-56) (Imp: HRS \$346-56)

\$17-1426-9 Termination of services. (a) A senior companion's service to clients shall be terminated when:

- (1) Any abuse occurs in the relationship between the senior companion and the client;
- (2) The relationship is no longer meaningful or satisfying to the senior companion or client;
- (3) The client develops acute functional or organic difficulties;
- (4) The client demonstrates a diminishing need for individual attention; or
- (5) The senior companion leaves the program or the client leaves the volunteer station program.

(b) A senior companion shall be terminated from service when:

- (1) The senior companion no longer wants to serve;
- (2) The senior companion's personal physician determines that the senior companion's health condition would interfere with the performance as a senior companion;
- (3) The senior companion's cash income level, excluding the stipend, increases over twenty percent above the applicable income level as specified in section 17-1426-2;
- (4) The senior companion has frequent and unexcused absences;

- (5) The senior companion fails to cooperate with volunteer station and program staff, disregarding instructions or directions;
- (6) The senior companion fails to comply with house rules of the volunteer station; or
- (7) The senior companion violates prohibitions imposed by the Domestic Volunteer Service Act of 1973, (42 U.S.C. §4951-5085), and ACTION guidelines relative to political activities and church-related organizations or activities. [Erf JUN 29 1992] (Auth: HRS §346-56) (Imp: 45 C.F.R. §1207.4-3)

\$17-1426-10 Appeal process. An appeal by the senior companion shall be instituted in writing to the director of the department within sixty days from the date of the termination letter. When no written appeal is received within the specified time period, the termination shall be final and binding.

- (1) The department shall acknowledge receipt of the appeal within fifteen days from the date of receipt of the written appeal.
- (2) The director of the department shall review and consider the facts for the termination of the senior companion from the program and shall make a final administrative decision within ninety days from the date of receipt of the written appeal. [Erf JUN 29 1992] (Auth: HRS §346-56) (Imp: 45 C.F.R. §1207.4-3)

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NOTICE OF CHANGE
9/16/92

The list of sections implemented by §17-1426-1,
Hawaii Administrative Rules, is changed to read as
follows:

(Imp: 45 C.F.R. §§1207.1-1, 1207.1-2)

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NOTICE OF CHANGE
9/16/92

The list of sections implemented by §17-1426-4,
Hawaii Administrative Rules, is changed to read as
follows:

(Imp: 45 C.F.R. §§1207.1-1, 1207.3-6)

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NOTICE OF CHANGE
9/16/92

The list of sections implemented by §17-1426-6,
Hawaii Administrative Rules, is changed to read as
follows:

(Imp: HRS §90-4; 45 C.F.R. §1207.3-5)

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NOTICE OF CHANGE
9/16/92

The list of sections implemented by §17-1426-7,
Hawaii Administrative Rules, is changed to read as
follows:

(Imp: 45 C.F.R. §1207.3-5)

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NOTICE OF CHANGE
9/16/92

The list of sections implemented by §17-1426-8,
Hawaii Administrative Rules, is changed to read as
follows:

(Imp: HRS §346-56; 45 C.F.R. §§1207.1-1, 1207.2-6,
1207.3-6)

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NOTICE OF CHANGE
9/16/92

The list of sections implemented by §17-1426-9,
Hawaii Administrative Rules, is changed to read as
follows:

(Imp: 45 C.F.R. §1207.5-1)

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NOTICE OF CHANGE
9/16/92

The list of sections implemented by §17-1426-10,
Hawaii Administrative Rules, is changed to read as
follows:

(Imp: HRS§346-56)