

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
SOCIAL SERVICES DIVISION

INTERIM REPORT TO THE 2002 HAWAII STATE LEGISLATURE
ON
ACT 273, SLH 2001, RELATING TO HUMAN SERVICES.

SUBMITTED TO THE TWENTY-FIRST
STATE LEGISLATURE, 2002

DEPARTMENT OF HUMAN SERVICES

**INTERIM REPORT TO THE LEGISLATURE
ACT 273, SLH 2001
11/19/2001**

I. INTRODUCTION

Interim report to the Twenty-Second Legislature, 2002, State of Hawaii, regarding the effectiveness of the new part added to Chapter 346, Hawaii Revised Statutes, and the need and feasibility of a single entry point system for nursing level patients in community care settings. This interim report is required under Act 273, SLH 2001.

Act 273, SLH 2001, revised chapter 346, Hawaii Revised Statutes, to allow for the licensing of home and community-based case management agencies by the Department of Human Services through two distinct demonstration projects. One project will include counties with 500,000 persons or more; the second project will be for counties with less than 500,000 persons.

The revision to Chapter 346, Hawaii Revised Statutes, will also give licensed case management agencies the responsibility for issuing and monitoring certificates of approval for community care foster family homes.

II. EFFECTIVENESS OF NEW PART ADDED TO CHAPTER 346, HRS

The Department is unable to report any findings or recommendations regarding the effectiveness of the revisions to Chapter 346, Hawaii Revised Statutes, at this time. To carry out the provisions of Act 273, the Department wrote new administrative rules, Chapter 17-1454, Licensing of Home and Community-Based Case Management Agencies. In accordance with established policies and procedures for adopting rules, the proposed rules were submitted to the Small Business Regulatory Review Board and the Department of the Attorney General on July 5, 2001, for review. The Small Business Regulatory Review Board completed its review and issued a statement of support on August 22, 2001. The Department of the Attorney General approved the proposed rules as to form on September 26, 2001. The proposed rules were then sent to the Governor on October 4, 2001 for review and approval to present the rules for public hearing. The Governor's approval was granted on October 23, 2001, and a public hearing for the proposed rules has

been scheduled for December 20, 2001. Should there be no unforeseen developments, implementation of the new rules is expected to begin in January 2002.

III. NEED AND FEASIBILITY OF A SINGLE ENTRY POINT SYSTEM FOR NURSING FACILITY PATIENTS IN COMMUNITY CARE SETTINGS

A variety of concepts for a long-term care single entry point (SEP) system in Hawaii has been discussed in recent years. The multiple concepts reflect differing expectations for such a system, i.e., what the range of services is that such a system can or should offer. Previous Legislatures and community groups have conducted studies on the issue and various efforts in SEP development continue, including the following:

- o Legislative Reference Bureau issued Report No. 8, 1995, Long-Term Care: A Single Entry Point for Three Populations. This report suggests the potential benefits to be found in an SEP system that “involves the coordination or consolidation of screening, assessment, case management, and authorization of services functions.” However, it is cautious in recommending only a limited, two-phase pilot project. The report proposes using the first phase to develop broad guidelines for assessing and determining financial eligibility within which the actual SEP system would be formed, if “one is ultimately found feasible.” The second phase would be used to work on the “numerous difficult issues” noted in the report, including the belief that an SEP system will not assure quality of care, will not reduce accessibility for individuals in remote areas, will increase conflicts of interest involving case managers, will make it difficult to cross train staff, and will create a bottleneck in the entry process. The recommendations in this report have not been implemented.

The Department of Human Services prepared a Report to the Legislature in response to Act 301, SLH 1996, Single Entry Point System. The recommendation in this report is that existing agencies should continue functioning as they always have, as an SEP system will not replace what is

already in place. The SEP model proposed in this report is limited, focusing on information and referral. The recommendations in this report have not been implemented.

- Caring For Life Foundation is developing an SEP concept that builds on the 1996 DHS report model. Caring For Life Foundation's model would include the provision of long-term care services in addition to the information and referral component of the DHS proposal and would authorize the Caring For Life Foundation to be the state's long-term care Coordinating Agency. The Foundation's previous experience and knowledge related to persons who are elderly or with disabilities have not been delineated, and the powers of this entity have not been defined.
- The Legislative Long-Term Care Task Force has begun a review of the state's long-term care efforts, and SEP is part of the task force focus.
- DHS has been awarded a Real Choices grant of \$1.2 million over a three-year period, as part of the Olmstead initiative, to develop an access system for information for individuals with disabilities. This system will also address some of the recommendations in the DHS 1996 report to the legislature.

What is apparent from the preceding is that a Single Entry Point system:

1. Must be defined. Without clear guidelines, an SEP system may become weighed down with superfluous and burdensome responsibilities and activities, and exceed funding realities.
2. Must not control an individual's application, qualification for and direct access to needed services.
3. Will work best in providing information and referral in a cohesive manner.
4. Will need to take into consideration Health Insurance Portability and Accountability Act (HIPAA) and Americans with Disabilities Act (ADA) regulations regarding confidentiality. These regulations will restrict the type of information shared.

IV. FUTURE REPORT TO THE LEGISLATURE

The Department will make a final report to the 2003 Legislature of its findings and recommendations regarding the effectiveness of the new part added to Chapter 346, HRS, as reflected by the status of the two demonstration projects. It is recommended that the review and report of the need and feasibility of a single entry point system for nursing facility patients in community care settings be considered by the Legislative Long-Term Care Task Force so as to avoid duplicative efforts.

V. ACKNOWLEDGEMENT

The Adult and Community Care Services Branch has an advisory council, comprised of seventeen members representing various private and public agencies involved in long-term care services. A Council subgroup with representatives from Catholic Charities Elderly Services, Developmental Disabilities Council, Disability Communication Access Board, and the Healthcare Association of Hawaii assisted the Department in drafting the Single Entry Point system response contained in this report. The Council as a whole had an opportunity to review and comment on this report as it was being drafted. The assistance and support provided by the Council and the subgroup were greatly appreciated.