

Honolulu, Hawaii

Feb 10, 2006

RE: H.B. No. 2107
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committees on Health and Human Services, to which was referred H.B. No. 2107 entitled:

"A BILL FOR AN ACT RELATING TO A HAWAII CAREGIVER GRANT PROGRAM,"

beg leave to report as follows:

The purpose of this bill is to help family caregivers offset the costs of caring for a mentally or physically impaired relative by:

- (1) Establishing and appropriating funds for a Caregiver Grant Program and Special Fund (Fund) administered by the Executive Office on Aging;
- (2) Creating methods and criteria to qualify for grants from the Fund; and
- (3) Providing support for the administration of the Fund.

A concerned individual supported this measure. The Executive Office on Aging and Policy Advisory Board for Elder Affairs supported the intent of this measure. The Department of Budget and Finance offered comments.



Your Committees have amended this bill by:

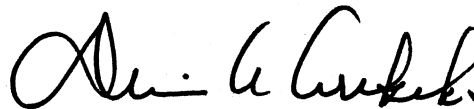
- (1) Changing the appropriation to \$1 to encourage further discussion; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and to correct drafting style.

As affirmed by the records of votes of the members of your Committees on Health and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2107, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2107, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Health and Human
Services,



ALEX M. SONSON, Chair



DENNIS A. ARAKAKI, Chair




State of Hawaii
House of Representatives
The Twenty-third Legislature

HSCR 251-06

Record of Votes of the Committee on Health

Bill/Resolution No.: HB 2107	Date: 02/07/06			
Committee Referral: HLT/HHS, JUD, FIN	<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.			
The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Recommit				
HLT Members	Ayes	Ayes (WR)	Nays	Excused
1. ARAKAKI, Dennis A. (C)	✓			
2. GREEN, Josh, M.D. (VC)	✓			
3. CABANILLA, Rida T.R.	✓			
4. HALE, Heléne H.	/			
5. NISHIMOTO, Scott Y.	/			
6. SONSON, Alex M.	/			
7. HALFORD, Chris				/
TOTAL	6	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="margin-left: 200px;">committee acronym(s)</div>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				

Record of Votes of the Committee on Human Services

Bill/Resolution No.: HB 2107		Date: 2/07/06		
Committee Referral: HLT/HUS, JUD, FIN		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to:				
<input type="checkbox"/> Pass, unamended		<input checked="" type="checkbox"/> Pass, with amendments		
<input type="checkbox"/> Hold		<input type="checkbox"/> Recommit		
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. SONSON, Alex M. (C)	✓			
2. CABANILLA, Rida T.R. (VC)	✓			
3. ARAKAKI, Dennis A.	✓			
4. GREEN, Josh, M.D.	✓			
5. HALE, Heléne H.	✓			
6. KAHIKINA, Michael Puamamo	✓			
7. KAWAKAMI, Bertha C.	✓			
8. HALFORD, Chris				X
9. STONEBRAKER, Bud				X
TOTAL	7	0	0	2
The recommendation is:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation.				
committee acronym(s)				
				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				

A BILL FOR AN ACT

RELATING TO A HAWAII CAREGIVER GRANT PROGRAM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that family caregivers
2 are quickly becoming the new advocates for the aged, a major
3 focus of public policy in recent years. Family caregivers are
4 those who provide care without payment or formal training to
5 their family, friends, neighbors, or even strangers. It is
6 estimated that, nationally, family caregivers provide over
7 \$200,000,000,000 of care annually. The legislature also finds
8 that, nationally, formal home care services are estimated to
9 cost about \$32,000,000,000 annually and nursing home services
10 cost about \$83,000,000,000. In Hawaii, it is estimated that
11 family caregivers provide about \$875,000,000 in care on an
12 annual basis.

13 The legislature further finds that family caregivers are a
14 vital component of the long-term care system and that government
15 needs to support caregivers in this often difficult and costly
16 role. Most people who need long-term care prefer to receive
17 assistance and services at home and to stay in their
18 communities, near family and friends, for as long as possible.



1 Family caregivers provide over eighty per cent of home care
2 services and over ninety per cent of all long-term care
3 services. At least seventy-five per cent of all family care is
4 provided by women. About two-thirds of older people living in
5 the community rely solely on informal help, mainly from wives
6 and adult daughters. Caregiving itself has become harder for
7 all family caregivers partly because those who need long-term
8 care are living longer with chronic illness and disabilities.

9 As long-term care costs continue to rise, it is in the
10 interest of the State to devise mechanisms to assist family
11 caregivers who care for the elderly and those who require at-
12 home long-term care by keeping them off medicaid and out of
13 costly nursing homes. Families can be an important part of the
14 solution to serious long-term care system problems such as
15 budget and workforce shortages. Family caregivers can relieve
16 state spending on nursing home care. During times of fiscal
17 discipline, family caregiving can be a way to reduce costs
18 without hurting the people the State is trying to serve.

19 The purpose of this Act is to establish a Hawaii caregiver
20 grant program to assist family caregivers in offsetting the
21 costs of caring for a mentally or physically impaired relative.



1 SECTION 2. Chapter 349, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . HAWAII CAREGIVER GRANT PROGRAM

5 §349-A Definitions. As used in this part, unless the
6 context requires otherwise:

7 "Activities of daily living" means bathing, dressing,
8 toileting, transferring, bowel control, bladder control, and
9 eating or feeding.

10 "Assistance" means aid that is required to be provided by
11 another person to safely complete the activity.

12 "Care for a mentally or physically impaired relative" means
13 assistance with the activities of daily living provided to such
14 relative when the relative has been screened and has been found
15 to be eligible, in accordance with relevant state standards, for
16 placement and medicaid reimbursement for services in an
17 assisted-living facility or a nursing home or for receiving
18 community-based long-term care services.

19 "Caregiver" means an adult with a Hawaii adjusted gross
20 family income of not more than \$50,000, is a relative of a
21 mentally or physically impaired person, and who provides care to
22 a mentally or physically impaired relative within the state.



1 "Fund" means the Hawaii caregiver grant program special
2 fund established under section 349-C.

3 "Mentally or physically impaired relative" means a relative
4 who is a resident of Hawaii and who requires assistance with two
5 or more activities of daily living during a period of more than
6 six months.

7 "Relative" means a spouse, child, father, mother, sibling,
8 or other person who is related by blood, marriage, or adoption,
9 a legal guardian, or a reciprocal beneficiary as that term is
10 defined in section 572C-3.

11 **§349-B Hawaii caregiver grant program; established.** (a)

12 There is established a Hawaii caregiver grant program under
13 which any caregiver who provides care for a mentally or
14 physically impaired relative shall be eligible to receive an
15 annual caregiver grant in the amount of not more than \$500. The
16 grants under this part shall be paid, from the fund established
17 under section 349-C, to the caregiver during the calendar year
18 immediately following the calendar year in which the care for a
19 mentally or physically impaired relative was provided. The
20 total amount of grants to be paid under this part for any year
21 shall not exceed the amount appropriated by the legislature to
22 the fund for payment to caregivers for that year.



1 (b) Only one grant shall be allowed annually for each
2 mentally or physically impaired relative receiving care under
3 this section. Multiple caregivers providing care to the same
4 mentally or physically impaired relative shall be eligible to
5 share the \$500 grant, as mutually agreed upon by the caregivers;
6 provided that only one caregiver may submit a grant application
7 for the mentally or physically impaired relative. A caregiver
8 providing care to more than one eligible mentally or physically
9 impaired relative shall submit a separate grant application for
10 each mentally or physically impaired relative receiving care.
11 Priority for grants available under the grant program shall be
12 given to caregivers that care for persons having the greatest
13 social and economic need, particularly low-income individuals,
14 and persons with mental retardation and developmental
15 disabilities.

16 (c) The mentally or physically impaired relative receiving
17 care may live in the caregiver's home or in the mentally or
18 physically impaired person's own home, but shall not be
19 receiving medicaid-reimbursed community long-term care services,
20 other than on a temporary or periodic basis, or living in a
21 nursing home or other assisted living facility where assistance
22 with activities of daily living is already provided and the cost



1 of such assistance is included in the monthly bill or rental
2 fee.

3 (d) The executive office on aging may hire one full-time
4 professional staff person and one full-time clerical staff
5 person to administer the grant program.

6 **§349-C Hawaii caregiver grant program special fund;**
7 **established.** (a) There is established in the state treasury a
8 Hawaii caregiver grant program special fund, which shall be
9 administered by the executive office on aging.

10 (b) The fund shall include moneys as may be appropriated
11 by the legislature from time to time and designated for the
12 fund. The fund shall be used solely for the payment of grants
13 to caregivers pursuant to this part; provided that not more than
14 five per cent of the balance of the fund may be expended for
15 administering the fund, including but not limited to the salary
16 and benefits of one full-time professional staff person and one
17 full-time clerical staff person employed to administer the grant
18 program established under this part.

19 (c) At the end of each fiscal year, unexpended moneys in
20 the fund shall remain part of the fund and shall be available
21 for grant allocations under this part in ensuing fiscal years.



1 **§349-D Grant application process; administration.** (a)

2 Grant applications shall be submitted by caregivers to the
3 executive office on aging between February 1 and May 1 of the
4 year following the calendar year in which care for a mentally or
5 physically impaired relative was provided. Failure to meet the
6 application deadline shall render the caregiver ineligible to
7 receive a grant for care provided during the previous calendar
8 year.

9 (b) Applications for grants shall include:

10 (1) Proof of the caregiver's income;

11 (2) Certification by the private physician who has
12 screened the mentally or physically impaired relative
13 and found the person to be eligible, in accordance
14 with relevant state regulations, for placement in an
15 assisted-living facility or a nursing home or for
16 receiving community long-term care services;

17 (3) The mentally or physically impaired relative's place
18 of residence; and

19 (4) Such other relevant information as the executive
20 office on aging may reasonably require.

21 Any caregiver applying for a grant pursuant to this part
22 shall affirm, by signing and submitting the caregiver's



1 application for a grant, that the mentally or physically
2 impaired relative for whom the caregiver provided care and the
3 care provided meet the criteria set forth in this part.

4 As a condition of receipt of a grant, a caregiver shall
5 agree to make available to the executive office on aging for
6 inspection, upon request, all relevant and applicable documents
7 to determine whether the caregiver meets the requirements for
8 the receipt of grants as set forth in this part, and to consent
9 to the use by the executive office on aging of all relevant
10 information relating to eligibility for the requested grant.

11 (c) The executive office on aging shall review
12 applications for grants and determine eligibility and the amount
13 of the grant to be allocated to each eligible caregiver. If the
14 moneys in the fund are less than the amount of grants to which
15 applicants are eligible for caregiver services provided in the
16 preceding calendar year, the moneys in the fund shall be
17 apportioned among eligible applicants pro rata, based upon the
18 amount of the grant for which an applicant is eligible and the
19 amount of money in the fund.

20 (d) The executive office on aging shall certify to the
21 comptroller the amount of the grant to be allocated to eligible
22 caregiver applicants. Payments shall be made by check issued by



1 the comptroller. The comptroller shall not issue checks under
2 the grant program if the balance contained in the fund is
3 insufficient to cover the costs of the grant program.

4 (e) The executive office on aging shall establish rules
5 and procedures pursuant to chapter 91 to effectuate the
6 caregiver grant program. Actions of the executive office on
7 aging relating to the review, allocation, and awarding of grants
8 shall be exempt from chapter 91. Decisions of the executive
9 office on aging regarding the approval or denial of grant
10 applications under the grant program shall be final and not
11 subject to review or appeal.

12 **§349-E Confidentiality of information.** Except in
13 accordance with a valid judicial order or as otherwise provided
14 by law, any employee or former employee of the executive office
15 on aging shall not divulge any information acquired by the
16 employee or former employee in the performance of the employee's
17 or former employee's duties with respect to the income or grant
18 eligibility of any caregiver submitted pursuant to this part.

19 This section shall not apply to:

20 (1) Acts performed or information published in the course
21 of duty under law;



1 (2) Inquiries and investigations to obtain information as
2 to the implementation of this part by a duly
3 constituted committee of the legislature, or when such
4 an inquiry or investigation is relevant to its study;
5 provided that the information shall be confidential;
6 or

7 (3) The publication of statistics in a manner so as to
8 prevent the identification of particular caregivers."

9 SECTION 3. Chapter 349, Hawaii Revised Statutes, is
10 amended by designating sections 349-1 through 349-14 as part I
11 and inserting a title before section 349-1 to read as follows:

12 **"PART I. ADMINISTRATION"**

13 SECTION 4. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$1 or so much thereof
15 as may be necessary for fiscal year 2006-2007 for deposit into
16 the Hawaii caregiver grant program special fund established
17 under section 2 of this Act.

18 SECTION 5. In codifying the new part added to chapter 349,
19 Hawaii Revised Statutes, by section 2 of this Act, the revisor
20 of statutes shall substitute appropriate section numbers for the
21 letters used in designating the new sections in this Act.

22 SECTION 6. New statutory material is underscored.



1 SECTION 7. This Act shall take effect on July 1, 2006, and
2 shall be repealed on June 30, 2011.



Report Title:

Caregiver Grant Program; Established

**HB 2107
HD1**

Description:

Establishes a caregiver grant program within the executive office on aging. Establishes criteria for grant qualifications. Appropriates funds for the grant program. Authorizes the hiring of additional personnel to service the grant program. (HB2107 HD1)

