

# A BILL FOR AN ACT

RELATING TO A COMPREHENSIVE FAMILY CAREGIVER ASSISTANCE PROGRAM.

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

1                                   Part I. Introduction

2           SECTION 1. The legislature finds that significant changes

3 in medicare and medicaid health insurance programs nationally

4 and locally will impose greater responsibilities upon

5 individuals and families to be well-informed and astute about

6 long-term care planning, financing, and the options available to

7 assist them. In addition, Hawaii is facing a growing health

8 care worker shortage while at the same time health and long-term

9 care needs continue to rise. As a result of cost-containment

10 policies and practices, people with health care needs are being

11 discharged from hospitals and other care facilities with complex

12 health care requirements while facing reduced home- and

13 community-based care options. This puts the responsibility on

14 families, who are inadequately prepared and trained, to provide

15 such care.

16           Furthermore, the caregiving tradition in Hawaii, over time,

17 is being challenged by the changes in Hawaii demographics: birth

18 rates, marriages, single-occupant households, high costs of



1 living, and family members working outside the home or moving  
2 away from Hawaii. By 2020, more than one in four individuals  
3 will be sixty years old or older. The need for personal care  
4 due to physical, sensory, cognitive, and self-care disabilities  
5 increases with age. As Hawaii's population ages, many more  
6 families will be providing higher levels of long-term care to  
7 frail and disabled older adults at home.

8 Finally, Hawaii's long-term care system is on a collision  
9 course with the day-to-day reality of families coping with  
10 caring for loved ones with chronic conditions. Without  
11 attention to this situation, the \$875,000,000 in unpaid support  
12 services provided by Hawaii's family caregivers may well be  
13 jeopardized when these caregivers suffer from the costs that  
14 impede their ability to give care. As this pattern plays itself  
15 out, the quality of care provided to the frail elderly and  
16 individuals with disabling or chronic conditions will diminish  
17 and the costs to Hawaii's long-term care system will skyrocket.

18 The purpose of this Act is to provide assistance to family  
19 caregivers who provide at-home care for their elderly relatives.

20 Part II. Hawaii Family Caregiver Grant Program



1 SECTION 2. Chapter 346D, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§346D-A Hawaii family caregiver grant program. (a)

5 There is established the Hawaii family caregiver grant program  
6 within the department of human services to provide annual grants  
7 of up to \$1,000 to family caregivers who provide unreimbursed  
8 care to a relative. The following general requirements shall  
9 apply:

- 10 (1) Both the caregiver and the relative receiving care  
11 must be related by blood, marriage, or adoption;
- 12 (2) Both the caregiver and the relative receiving care  
13 must reside in Hawaii;
- 14 (3) A physician licensed under chapter 453 or 460 must  
15 certify that the criteria for assistance are met; and
- 16 (4) Applications must contain an original signature from  
17 the caregiver and the physician who provides  
18 certification.

19 (b) Caregivers shall comply with all of the following  
20 requirements:

- 21 (1) Provide unreimbursed care for a relative who has a  
22 mental or physical impairment;



- 1       (2) Have an annual Hawaii adjusted gross income of not
- 2               more than \$50,000; and
- 3       (3) Have provided care to the relative for at least six
- 4               months of the previous calendar year.
- 5       (c) The following requirements shall apply to any relative
- 6       receiving care:
- 7           (1) Require assistance with two or more of the following:
- 8               eating, dressing, bathing, toileting, transferring,
- 9               bowel continence, and bladder continence;
- 10          (2) Have required assistance for at least six months out
- 11               of the previous calendar year; and
- 12          (3) Not be receiving medicaid-reimbursed long-term care
- 13               services, except on a periodic or temporary basis."

14           Part III. Coordination of Statewide Family Caregiver  
15                               Support Services and Policies

16           SECTION 3. Chapter 346D, Hawaii Revised Statutes, is  
17           amended by adding a new section to be appropriately designated  
18           and to read as follows:

19           "§346D-B Coordination of family caregiver support service.  
20           The executive office on aging shall coordinate public and  
21           private sector organizations and family caregivers to establish:

- 1        (1) A one-stop, single entry access point into the long-
- 2        term care system and family caregiver support;
- 3        (2) New partnerships to address the needs of family
- 4        caregivers; and
- 5        (3) Greater coordination and support for grandparents and
- 6        other relatives who are raising children."

Part IV. Respite Services

8        SECTION 4. Chapter 346D, Hawaii Revised Statutes, is  
9 amended by adding a new section to be appropriately designated  
10 and to read as follows:

11        "§346D-C Respite services. The departments of health and  
12 human services shall develop respite services for family  
13 caregivers so that families can receive time off to have regular  
14 breaks from their twenty-four-hour caregiving duties. Respite  
15 services shall be based on the department of health's  
16 developmental disabilities division respite program."

Part V. Training and Education

18        SECTION 5. Chapter 346D, Hawaii Revised Statutes, is  
19 amended by adding a new section to be appropriately designated  
20 and to read as follows:

21        "§346D-D Long-term care; training and education. There is  
22 established a training and education program to:



- 1        (1) Increase the quality and quantity of long-term care
- 2            workers;
- 3        (2) Improve the support and training of family caregivers
- 4            in areas such as lifting, transporting,
- 5            cardiopulmonary resuscitation, bathing, learning to
- 6            deal with loves ones with dementia, psychological
- 7            skills and emotional support, and communication
- 8            skills;
- 9        (3) Promote active aging to enhance the lives of seniors;
- 10           and
- 11        (4) Develop certification standards for nurse aides."

Part VI. Cash and Counseling

13        SECTION 6. Chapter 346D, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16        "**§346D-E Cash and counseling program.** The departments of  
17 health and human services shall develop a cash and counseling  
18 system of providing financial assistance to family caregivers  
19 that combines elements of financial support with direct services  
20 to help consumers make informed choices about long-term care."

21            Part VII. Family Caregiver Tax Credit



1 SECTION 7. (a) The director of taxation shall develop  
2 proposed legislation to establish a refundable \$1,000 family  
3 caregiver tax credit for families who care for a family member  
4 at home and who is determined to require help in two of the  
5 activities of daily living, in a manner similar to granting tax  
6 credits for low-income individuals.

7 (b) The director of taxation shall develop projections as  
8 to the effect on state tax revenues as a result of implementing  
9 the tax credit.

10 (c) The director of taxation shall submit a report to the  
11 legislature including proposed legislation and projections on  
12 the effect of state tax revenues no later than twenty days prior  
13 to the convening of the regular session of 2007.

14 Part VIII. Appropriations

15 SECTION 8. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$4,000,000, or so  
17 much thereof as may be necessary for fiscal year 2006-2007, for  
18 the purposes of this Act.

19 The sum appropriated shall be expended by the department of  
20 human services for the purposes of this Act.

21 SECTION 9. In codifying the new sections added by sections  
22 2 to 6 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating  
2 the new sections in this Act.

3 SECTION 9. This Act shall take effect upon its approval,  
4 except that section 8 shall take effect on July 1, 2006.

5

INTRODUCED BY: 

By Request





SB 2440

**Report Title:**

Comprehensive Family Caregiver Assistance

**Description:**

Appropriates \$4,000,000 for a comprehensive family caregiver assistance program. Requires director of taxation to submit proposed legislation and projections of effect on tax revenues by a \$1,000 tax credit for family caregivers before convening of 2007 regular session.

