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# A BILL FOR AN ACT

RELATING TO CAREGIVING.

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

1 PART I. JOINT LEGISLATIVE COMMITTEE ON FAMILY CAREGIVING

2 SECTION 1. (a) The legislature finds that during the 2007  
3 interim, the joint legislative committee on family caregiving  
4 continued its work on creating a comprehensive and sustainable,  
5 community-based family caregiver support system that includes:

- 6 (1) A coordinated referral and case management service;  
7 (2) Centralization of available services;  
8 (3) Volunteers;  
9 (4) Education and training; and  
10 (5) Financial assistance.

11 During the 2007 interim, the joint legislative committee  
12 had the benefit of examining localized studies and surveys, some  
13 of which contained preliminary results, which provided concrete  
14 evidence of the needs of family caregivers. The joint  
15 legislative committee on family caregiving also had the benefit  
16 of looking at what other states have done and are doing in  
17 response to the growing concern of eldercare issues.



- 1 (b) The purpose of this part is to:
- 2 (1) Extend the work of the joint legislative committee on
- 3 family caregiving for one year;
- 4 (2) Change the name of the joint legislative committee on
- 5 family caregiving to the "joint legislative committee
- 6 on aging in place"; and
- 7 (3) Require the aging and disability resource center to
- 8 provide the joint legislative committee with an update
- 9 on its physical site in Hawaii county, and the
- 10 "virtual" site in the city and county of Honolulu.

11 SECTION 2. Act 285, Session Laws of Hawaii 2006, as  
 12 amended by Act 204, Session Laws of Hawaii 2007, is amended by  
 13 amending section 2 to read as follows:

14 "SECTION 2. (a) There is established a joint legislative  
 15 committee on [~~family caregiving~~] aging in place. The committee  
 16 shall be composed of eight members as follows:

- 17 (1) Four members of the house of representatives,
- 18 consisting of three members from the majority party
- 19 and one member from the minority party, who shall be
- 20 appointed by the speaker of the house of
- 21 representatives; and



1 (2) Four members of the senate, consisting of three  
2 members from the majority party and one member from  
3 the minority party, who shall be appointed by the  
4 president of the senate.

5 The committee shall select a chairperson from its  
6 membership.

7 (b) The joint legislative committee shall develop  
8 comprehensive public policy to strengthen support for family  
9 caregivers. For purposes of this Act, "family caregiver" means:

10 (1) A person, including a [~~non-relative~~] nonrelative such  
11 as a friend or neighbor, who provides unpaid, informal  
12 assistance to a person age sixty and older with  
13 physical or cognitive disabilities; and

14 (2) A grandparent who is a caregiver for a grandchild who  
15 is age eighteen years or younger, or who is nineteen  
16 years of age or older with physical or cognitive  
17 limitations.

18 (c) The joint legislative committee shall:

19 (1) Consider providing support in categories, including:

20 (A) Coordinated services and policies;

21 (B) Training and education;

22 (C) Respite services;



1 (D) Financial incentives; and  
2 (E) Balancing work and caregiving; [~~and~~]  
3 and  
4 (2) Explore establishing a paid family leave program under  
5 the state temporary disability insurance law, similar  
6 to the California Paid Family Leave Program, to  
7 provide wage replacement benefits to employees who  
8 take time off from work to care for a seriously ill  
9 family member.  
10 (d) The joint legislative committee may explore issues of  
11 "aging in place" as they relate to family caregiving.  
12 (e) The Hawaii aging and disability resource center shall  
13 provide an update to the joint legislative committee of its  
14 development and implementation of the physical site for the  
15 center in the county of Hawaii, and the "virtual" site planned  
16 for the city and county of Honolulu.  
17 [~~(d)~~] (f) The joint legislative committee shall seek input  
18 from the department of health, the department of human services,  
19 the department of taxation, the University of Hawaii, the  
20 executive office on aging, and the elderly, disability,  
21 business, and faith-based communities.



1        [~~e~~] (g) The joint legislative committee shall submit its  
2 findings and recommendations to the legislature no later than  
3 twenty days prior to the convening of the regular sessions of  
4 2007 [~~and~~], 2008[-], and 2009.

5        [~~f~~] (h) The joint legislative committee shall cease to  
6 exist on June 30, [~~2008-~~] 2009."

7                    PART II. FINANCIAL ASSISTANCE FOR CAREGIVING

8            SECTION 3. The cash and counseling program is a national  
9 initiative sponsored by the Robert Wood Johnson Foundation; the  
10 United States Department of Health and Human Services, Office of  
11 the Assistant Secretary for Planning and Evaluation; and the  
12 Administration on Aging. Under the program, recipients of  
13 medicaid personal care services or home- and community-based  
14 services receive a flexible monthly allowance and decide who to  
15 hire and what services they want to receive.

16            The program's innovative approach enables participants to  
17 direct and manage their personal assistance services according  
18 to their own specific needs. Participants can choose a family  
19 member or friend, in lieu of an agency worker, to provide the  
20 services. They receive counseling and fiscal assistance to help  
21 them manage their allowance and responsibilities. The program



1 was first implemented in Arkansas, New Jersey, and Florida, and  
2 has since expanded to include other states.

3 During the 2007 interim, the joint legislative committee on  
4 family caregiving received information and data related to the  
5 family caregivers needs assessment conducted by the executive  
6 office on aging, and cash and counseling research conducted by  
7 the executive office on aging and the University of Hawaii  
8 school of social work.

9 The family caregiver needs assessment indicated that  
10 caregivers need more affordable services and financial  
11 assistance. The cash and counseling research demonstrated that  
12 those states that had cash and counseling programs reported high  
13 satisfaction by both caregivers and care recipients and allowed  
14 informal caregivers to receive financial recognition for their  
15 services.

16 In Hawaii, there are out-of-pocket costs for families to  
17 pay for home- and community-based programs that are available  
18 for elders and persons with disabilities. The government pays  
19 for these services for those who have lower incomes and qualify  
20 for medicaid. However, a majority of Hawaii's families are  
21 ineligible for public assistance and are having to carry the  
22 financial burdens of caregiving. This leaves a gap in services



1 for those elders of modest means. As a result, this group of  
2 individuals has the least coverage in terms of home- and  
3 community-based services. Hawaii should consider providing a  
4 cash and counseling program to non-medicaid eligible elders to  
5 allow this group of individuals to have control over their care,  
6 while benefiting their caregivers.

7 The work on cash and counseling being conducted by the  
8 executive office on aging and the University of Hawaii school of  
9 social work will continue until the end of the 2007-2008 fiscal  
10 year. The research conducted shows that a cash and counseling  
11 program is worth pursuing, and it is essential to continue the  
12 work in developing phase two of a cash and counseling project  
13 that can be completed by the end of 2008.

14 SECTION 4. The joint legislative committee on aging in  
15 place shall conduct a cash and counseling project for  
16 nonmedicaid participants to direct and manage their personal  
17 assistance services according to their own specific needs, while  
18 enabling family caregivers to receive a level of financial  
19 recognition and support. In conducting a cash and counseling  
20 project, the joint legislative committee on aging in place may  
21 consider including a respite care component, a case management  
22 component, a separate fiscal agent, a personal care component,



1 and allowing the consumer to be the employer of any service  
2 provider, whether an agency or family member.

3 The joint legislative committee on aging in place may  
4 contract with a qualified consultant to design a cash and  
5 counseling program.

6 A contract executed pursuant to this section and section 5  
7 of this Act shall be exempt from chapter 103D, Hawaii Revised  
8 Statutes; provided that the joint legislative committee on aging  
9 in place shall endeavor to ensure transparency in the letting of  
10 the contract.

11 The project shall include an advisory group to assist with  
12 the design of the cash and counseling program. To ensure that  
13 those who have the greatest need and the fewest resources are  
14 served by the program, the advisory group shall examine whether  
15 an asset limitation or restriction on consumers shall be  
16 implemented in the design of the cash and counseling program.

17 The joint legislative committee on aging in place shall  
18 report on the results of the project as part of its report to  
19 the legislature pursuant to section 2 of this Act.

20 SECTION 5. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$ or so  
22 much thereof as may be necessary for fiscal year 2008-2009 for





1 the joint legislative committee on aging in place, which may  
2 contract with a qualified consultant to conduct a cash and  
3 counseling project, pursuant to section 4 of this Act. The sum  
4 appropriated shall be allocated as follows:

5 Senate \$  
6 House of representatives \$

7 The sum appropriated shall be expended by the senate and  
8 house of representatives to assist the joint legislative  
9 committee on aging in place for the purposes of this part.

10 PART III. KUPUNA CARE

11 SECTION 6. On July 1, 1999, the executive office on aging  
12 launched its statewide long-term care program called kupuna  
13 care. Kupuna care was developed in partnership with the county  
14 agencies-on-aging to address the growing numbers of elders with  
15 long-term care needs.

16 Services provided by kupuna care are intended to help meet  
17 the needs of older adults who cannot live at home without  
18 adequate help from family or formal services, and includes  
19 services such as adult day care, respite care, assisted  
20 transportation, attendant care, case management, chore, home  
21 delivered meals, homemaker, transportation, and personal care.



1 Kupuna care was designed to assist, not totally support,  
2 Hawaii's older adults to live independently, safely, and  
3 healthily for as long as possible. The care may cover United  
4 States citizens or legal aliens sixty years or older who are not  
5 receiving other comparable government assistance, who need help  
6 with activities of daily living (eating, dressing, bathing,  
7 toileting, transferring, and mobility) or because they have  
8 reduced mental capacity, and who are not residing in an  
9 institution.

10 State funds cover the cost of services for those who cannot  
11 afford to pay. Kupuna care offers a reduced rate for those who  
12 can afford to pay only a portion of the service. Voluntary  
13 contributions to the service provider are welcomed for any  
14 service provided and are used to support the cost of care of  
15 additional clients.

16 In addition to the services provided to the elderly, kupuna  
17 care also offers services for the family caregivers of their  
18 elderly clients. As Hawaii's population ages, many more  
19 families will be providing higher levels of long-term care to  
20 frail and disabled older adults at home. For many family  
21 caregivers, their role as family caregiver arises as suddenly as  
22 the care recipient's health declines, leaving the family



1 caregivers with an immediate need for services, but little  
2 preparation or education regarding who to contact for assistance  
3 or what services are available to them. In addition, the family  
4 caregivers may not know who is capable or qualified to provide  
5 them with the services that they or the care recipients need.  
6 Family caregivers themselves need support services, including  
7 training, education, and counseling in areas such as caregiving  
8 and dealing with end-of-life issues.

9 In addition, there are emotional, physical, and financial  
10 costs of being a family caregiver. Younger family caregivers  
11 are often in critical need of finding ways to reduce the stress  
12 caused by caregiving.

13 Respite has been shown to be beneficial in lowering stress  
14 and other negative consequences of caregiving and the *State of*  
15 *Hawaii Caregivers Need Assessment (2007)* shows that respite is  
16 something family caregivers need.

17 Besides the everyday stress that respite can relieve, there  
18 are times when a family caregiver may unexpectedly become unable  
19 to provide the needed caregiving services due to illness, an  
20 accident, or other reasons. At these times, emergency respite  
21 care becomes critical.



1           The needs assessment also shows that family caregivers need  
2 financial support as they carry the heavy financial burdens of  
3 caring for a loved one. In addition, both caregivers and care  
4 recipients need financial assistance in making necessary home  
5 modifications that will allow the care recipient to age in  
6 place.

7           The legislature finds that the kupuna care program can  
8 expand its services and incorporate progressive ways of helping  
9 meet the growing needs of Hawaii's older adults and allow these  
10 individuals to age in place.

11           The purpose of this part is to:

12           (1) Allow the kupuna care program to:

13                   (A) Offer emergency, overnight, and weekend respite  
14                   services;

15                   (B) Provide grants for home modifications that  
16                   facilitate aging in place pursuant to a care plan  
17                   as part of a cash and counseling approach; and

18                   (C) Provide grants to family caregivers pursuant to a  
19                   care plan as part of a cash and counseling  
20                   approach;

21           and



1 (2) Amend the 2008-2009 operating budget of the executive  
2 office on aging to increase program funding for kupuna  
3 care and ensure that kupuna care continues to maintain  
4 the quality of life of Hawaii's older adults and their  
5 family caregivers.

6 SECTION 7. (a) The kupuna care program, as administered  
7 by the executive office on aging, may:

8 (1) Offer emergency, overnight, and weekend respite  
9 services;

10 (2) Provide grants for home modifications that facilitate  
11 aging in place pursuant to a care plan as part of a  
12 cash and counseling approach; and

13 (3) Provide grants to family caregivers pursuant to a care  
14 plan as part of a cash and counseling approach.

15 (b) The area agencies on aging may design their own  
16 programs to implement the provisions of subsection (a).

17 SECTION 8. Act 213, Session Laws of Hawaii 2007, is  
18 amended by adding a new section to part III to be appropriately  
19 designated and to read as follows:

20 "SECTION . Provided that of the general fund  
21 appropriation for the executive office on aging (HTH 904), the  
22 sum of \$ or so much thereof as may be necessary for



1 fiscal year 2008-2009 shall be expended by the executive office  
2 on aging for its kupuna care program."

3 SECTION 9. Act 213, Session Laws of Hawaii 2007, is  
4 amended by amending part II, section 3, item F.26 to read as  
5 follows:

6	"26. HTH904 - EXECUTIVE OFFICE ON AGING				
7			3.30*		3.30*
8	OPERATING	HTH	6,370,552A	[ <del>6,119,214A</del> ]	<u>          A</u>
9			7.45*		7.45*
10		HTH	7,443,720N		7,443,720N
11	INVESTMENT CAPITAL	HTH	250,000C		C"

12 SECTION 10. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 11. This Act shall take effect on January 1, 2050.



**Report Title:**

Joint Legislative Committee on Family Caregiving; Kupuna Care; Appropriations

**Description:**

Extends the joint legislative committee on family caregiving; changes the committee's name to the joint legislative committee on aging in place; expands the committee's mandate to include aging in place issues related to family caregiving; requires the aging and disability resource center to report to the committee; requires the joint legislative committee to conduct a cash and counseling project; appropriates funds to the joint legislative committee; allows kupuna care to include overnight, weekend, and emergency respite, as well as provide grants to caregivers and for home modification; appropriates funds to the kupuna care program. (HB2196 HD1)

