
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 also had the benefit of looking at what
16 other states have done and are doing in response to the growing
17 concern of eldercare issues.



- 1 (b) The purpose of this part is to:
- 2 (1) Extend the work of the joint legislative committee for
- 3 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 Hawaii aging and disability resource
- 8 center to provide the joint legislative committee with
- 9 an update on its physical site in Hawaii county, and
- 10 the "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 design a cash and counseling project for nonmedicaid
16 participants to direct and manage their personal assistance
17 services according to their own specific needs, while enabling
18 family caregivers to receive a level of financial recognition
19 and support. In designing a cash and counseling project, the
20 joint legislative committee may consider including a respite
21 care component, a case management component, a separate fiscal
22 agent, a personal care component, and allowing the consumer to



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

3 The joint legislative committee may contract with a
4 qualified consultant to design a cash and counseling program.

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

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

15 The joint legislative committee shall report on the results
16 of its efforts to design a cash and counseling project as part
17 of its report to the legislature pursuant to section 2 of this
18 Act.

19 SECTION 5. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so
21 much thereof as may be necessary for fiscal year 2008-2009 for
22 the joint legislative committee on aging in place, which may



1 contract with a qualified consultant to design a cash and
2 counseling program, pursuant to section 4 of this Act. The sum
3 appropriated shall be allocated as follows:

4 Senate \$
5 House of representatives \$

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

9 PART III. KUPUNA CARE

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

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

21 Kupuna care was designed to assist, not totally support,
22 Hawaii's older adults to live independently, safely, and



1 healthily for as long as possible. The care may cover United
2 States citizens or legal aliens sixty years of age or older who
3 are not receiving other comparable government assistance, who
4 need help with activities of daily living (eating, dressing,
5 bathing, toileting, transferring, and mobility) or because they
6 have reduced mental capacity, and who are not residing in an
7 institution.

8 State funds cover the cost of services for those who cannot
9 afford to pay. Voluntary contributions to the service provider
10 are welcomed for any service provided and are used to support
11 the cost of care of additional clients.

12 In addition to the services provided to the elderly, kupuna
13 care also offers services for the family caregivers of their
14 elderly clients. As Hawaii's population ages, many more
15 families will be providing higher levels of long-term care to
16 frail and disabled older adults at home. For many family
17 caregivers, their role as family caregiver arises as suddenly as
18 the care recipient's health declines, leaving the family
19 caregivers with an immediate need for services, but little
20 preparation or education regarding who to contact for assistance
21 or what services are available to them. In addition, the family
22 caregivers may not know who is capable or qualified to provide



1 them with the services that they or the care recipients need.
2 Family caregivers themselves need support services, including
3 training, education, and counseling in areas such as caregiving
4 and dealing with end-of-life issues.

5 In addition, there are emotional, physical, and financial
6 costs of being a family caregiver. Younger family caregivers
7 are often in critical need of finding ways to reduce the stress
8 caused by caregiving.

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

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

18 The needs assessment also shows that family caregivers need
19 financial support as they carry the heavy financial burdens of
20 caring for a loved one. In addition, both caregivers and care
21 recipients need financial assistance in making necessary home



1 modifications that will allow the care recipient to age in
2 place.

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

7 The purpose of this part is to:

8 (1) Allow the kupuna care program to:

9 (A) Offer emergency, overnight, and weekend respite
10 services;

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

14 (C) Provide grants to family caregivers pursuant to a
15 care plan as part of a cash and counseling
16 approach;

17 and

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



1 SECTION 7. The kupuna care program, as administered by the
2 executive office on aging, may:

- 3 (1) Offer emergency, overnight, and weekend respite
4 services;
- 5 (2) Provide grants for home modifications that facilitate
6 aging in place pursuant to a care plan as part of a
7 cash and counseling approach; and
- 8 (3) Provide grants to family caregivers pursuant to a care
9 plan as part of a cash and counseling approach.

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

13 "SECTION . Provided that of the general fund
14 appropriation for the executive office on aging (HTH 904), the
15 sum of \$ or so much thereof as may be necessary for
16 fiscal year 2008-2009 shall be expended by the executive office
17 on aging for its kupuna care program."

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



1	"26. HTH904 - EXECUTIVE OFFICE ON AGING				
2			3.30*		3.30*
3	OPERATING	HTH	6,370,552A	[6,119,214A]	<u> </u> A
4			7.45*		7.45*
5		HTH	7,443,720N		7,443,720N
6	INVESTMENT CAPITAL	HTH	250,000C		C"

PART IV. MISCELLANEOUS PROVISIONS

8 SECTION 10. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 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 Hawaii aging and disability resource center to report to the committee; requires the joint legislative committee to design 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 HD2)

