

JAN 24 2007

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# A BILL FOR AN ACT

RELATING TO CAREGIVING.

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

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**PART I**

**FINDINGS AND PURPOSE**

SECTION 1. The legislature finds that, due to a shortage of care providers in Hawaii, family caregiving has become a critical element of our health and long-term care system. By 2020, more than one in four individuals is expected to be sixty years old or older. The need for personal care assistance due to physical, sensory, cognitive, and self-care disabilities increases with age. As Hawaii's population ages, many more families will be providing higher levels of long-term care to frail and disabled older adults at home.

A comprehensive public policy to strengthen support for family caregivers is essential. The joint legislative committee on family caregiving was established under Act 285, Session Laws of Hawaii 2006, to develop a comprehensive public policy to strengthen support for family caregivers in Hawaii.



1           The committee held numerous meetings during the fall of  
2 2006 and submitted a special committee report to the legislature  
3 outlining its proposal for the establishment of a comprehensive  
4 and sustainable, community-based family caregiver support system  
5 that will maximize resources in all communities. However, it is  
6 still necessary to gather more information on this subject to  
7 enable the State to apply resources and services in a more  
8 efficacious manner. The committee should be extended to enable  
9 it to continue work on its proposal for the establishment of a  
10 comprehensive and sustainable, community-based family caregiver  
11 support system.

12           A crucial element in the design and implementation of a  
13 comprehensive and sustainable, community-based family caregiver  
14 support system is an assessment of the needs of family  
15 caregivers and the care recipients. A thorough needs assessment  
16 is imperative to appropriately encourage, support, and  
17 strengthen the provision of family caregiving.

18           Family caregivers who provide care to care recipients with  
19 chronic or disabling conditions are themselves at risk for  
20 physical, emotional, and financial problems. The daily  
21 challenges and health risks that family caregivers face can  
22 impede the family caregiver's ability to provide care, lead to



1 higher health care costs, and affect the family caregiver's  
2 quality of life and the quality of life of the care recipient.

3 For many family caregivers, their role as family caregiver  
4 arises as suddenly as the care recipient's health declines,  
5 leaving the family caregivers with an immediate need for  
6 services, but little preparation or education regarding who to  
7 contact for assistance or what services are available to them.  
8 In addition, the family caregivers may not know who is capable  
9 or qualified to provide them with the services that they or the  
10 care recipients need. Family caregivers themselves need support  
11 services, including respite services and training, education,  
12 and counseling in areas such as caregiving and dealing with end-  
13 of-life issues.

14 Kupuna care is a statewide long-term care program that was  
15 developed in partnership with the county area agencies-on-aging  
16 to address the growing numbers of elders with long-term care  
17 needs. Services provided by kupuna care are intended to help  
18 meet the needs of older adults who cannot live at home without  
19 adequate help from family or formal services, and include  
20 services such as adult day care, respite care, assisted  
21 transportation, attendant care, case management, chore, home  
22 delivered meals, homemaker, transportation, and personal care.



1           In addition to the services provided to the elderly, kupuna  
2 care also offers services for the family caregivers of their  
3 elderly clients. Kupuna care can be expanded to provide  
4 additional services to family caregivers to assist them to cope  
5 with and educate them on their roles as a caregiver.

6           The purpose of this Act is to strengthen support of family  
7 caregiving by:

- 8           (1) Extending the life of the joint legislative committee  
9                 on family caregiving;
- 10           (2) Authorizing the joint legislative committee to explore  
11                 establishing a paid family leave program under the  
12                 state temporary disability insurance law;
- 13           (3) Providing a broader definition of "family caregiver";
- 14           (4) Requiring the executive office on aging to conduct a  
15                 comprehensive assessment of care recipients' needs and  
16                 the needs of their family caregivers;
- 17           (5) Appropriating funds to expand the kupuna care  
18                 program's in-home and access services for qualified  
19                 care recipients; and
- 20           (6) Appropriating funds to expand kupuna care services to  
21                 family caregivers who often need assistance,



1 education, and support to continue to care for their  
2 loved one at home.

3 **PART II**

4 **JOINT LEGISLATIVE COMMITTEE ON FAMILY CAREGIVING**

5 SECTION 2. Act 285, Session Laws of Hawaii 2006, is  
6 amended by amending section 2 to read as follows:

7 "SECTION 2. (a) There is established a joint legislative  
8 committee on family caregiving. The committee shall be composed  
9 of eight members as follows:

10 (1) Four members of the house of representatives,  
11 consisting of three members from the majority party  
12 and one member from the minority party, who shall be  
13 appointed by the speaker of the house of  
14 representatives; and

15 (2) Four members of the senate, consisting of three  
16 members from the majority party and one member from  
17 the minority party, who shall be appointed by the  
18 president of the senate.

19 The committee shall select a chairperson from its  
20 membership.

21 (b) The joint legislative committee shall develop  
22 comprehensive public policy to strengthen support for family



1 caregivers who provide unpaid, informal assistance to persons  
2 age sixty and older with physical or cognitive disabilities.  
3 For purposes of this Act, "family caregivers" include persons  
4 with no blood relationship with the care recipient, and  
5 grandparents who are caregivers for their grandchildren who are  
6 age eighteen years or younger with physical or cognitive  
7 disabilities.

8 (c) The joint legislative committee shall [~~consider~~]:

9 (1) Consider providing support in categories including but  
10 not limited to:

11 [~~1~~] (A) Coordinated services and policies;

12 [~~2~~] (B) Training and education;

13 [~~3~~] (C) Respite services;

14 [~~4~~] (D) Financial incentives; and

15 [~~5~~] (E) Balancing work and caregiving[~~-~~]; and

16 (2) Explore establishing a paid family leave program under  
17 the state temporary disability insurance law, similar  
18 to the California Paid Family Leave Program, to  
19 provide wage replacement benefits to employees who  
20 take time off from work to care for a seriously ill  
21 member.



1 (d) The joint legislative committee shall seek input from  
2 the department of health, the department of human services, the  
3 department of taxation, the University of Hawaii, the executive  
4 office on aging, and the elderly, disability, business, and  
5 faith-based communities.

6 (e) The joint legislative committee shall submit its  
7 findings and recommendations to the legislature no later than  
8 twenty days prior to the convening of the regular [session]  
9 sessions of 2007[-] and 2008.

10 (f) The joint legislative committee shall cease to exist  
11 on [~~June 30, 2007.~~] June 30, 2008."

12 **PART III**

13 **NEEDS ASSESSMENT**

14 SECTION 3. (a) The executive office on aging shall  
15 conduct a comprehensive assessment of the needs of care  
16 recipients' who are age sixty and older with physical or  
17 cognitive disabilities and the needs of their family caregivers.  
18 The needs assessment should include an evaluation of:

19 (1) The extent of the unmet caregiving needs of persons  
20 age sixty and older with physical or cognitive  
21 disabilities;

22 (2) The size of the current family caregiver population;



1           (3) The percentage of care recipients' needs being met by  
2           paid versus unpaid caregivers; and

3           (4) The impact of caregiving on family caregivers'  
4           employment and income.

5           (b) In conducting the needs assessment, the executive  
6 office on aging shall identify and review past surveys, such as  
7 the *2003 Hawaii Health Survey*, include focus groups, and develop  
8 policy questions to guide the focus of the needs assessment.

9           (c) In conducting the needs assessment, the executive  
10 office on aging may utilize telephone surveys or other methods  
11 of gathering reliable data regarding care recipients' needs and  
12 the needs of their family caregivers, including purchasing  
13 additional questions for the upcoming *Hawaii Health Survey*.

14           (d) The executive office on aging shall forward a copy of  
15 the completed needs assessment to the joint legislative  
16 committee on family caregiving no later than twenty days prior  
17 to the convening of the 2008 regular legislative session to help  
18 facilitate the development of a comprehensive, sustainable, and  
19 community-based family caregiver support system.

20           (e) For purposes of this section, "family caregiver" means  
21 a person, including a non-relative such as a friend or neighbor,





1 who provides free and continuing day-to-day care in the home to  
2 a care recipient.

3 SECTION 4. The executive office on aging shall submit a  
4 report, including the completed needs assessment and any  
5 proposed legislation, to the legislature no later than twenty  
6 days prior to the convening of the 2008 regular legislative  
7 session.

8 SECTION 5. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$ , or so  
10 much thereof as may be necessary for fiscal year 2007-2008, for  
11 the executive office on aging to conduct a comprehensive needs  
12 assessment pursuant to section 3.

13 The sum appropriated shall be expended by the department of  
14 health for the purposes of this Act.

15 **PART IV**

16 **SERVICES**

17 SECTION 6. There is appropriated out of the general  
18 revenues of the State of Hawaii the sum of \$500,000, or so much  
19 thereof as may be necessary for fiscal year 2007-2008, and the  
20 same sum, or so much thereof as may be necessary for fiscal year  
21 2008-2009, to expand the kupuna care services program's in-home



1 and access services to qualified care recipients and provide  
2 expanded services to family caregivers.

3 The sums appropriated shall be expended by the department  
4 of health for the purposes of this Act.

5 PART V

6 MISCELLANEOUS PROVISIONS

7 SECTION 7. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 8. This Act shall take effect upon its approval;  
10 provided that sections 5 and 6 shall take effect on July 1,  
11 2007.

12 INTRODUCED BY:

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**Report Title:**

Family Caregivers; Omnibus Package

**Description:**

Strengthens support of family caregivers by, among other things: extending the joint legislative committee on family caregiving; requiring the executive office on aging to conduct a comprehensive assessment of care recipients' needs and the needs of their family caregivers; and appropriating funds to expand kupuna care services for care recipients and their family caregivers.

