
A BILL FOR AN ACT

RELATING TO CAREGIVING.

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

PART I

FINDINGS AND PURPOSE

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2
3 SECTION 1. The legislature finds that, due to a shortage
4 of care providers in Hawaii, family caregiving has become a
5 critical element of our health and long-term care system. By
6 2020, more than one in four individuals is expected to be sixty
7 years old or older. The need for personal care assistance due
8 to physical, sensory, cognitive, and self-care disabilities
9 increases with age. As Hawaii's population ages, many more
10 families will be providing higher levels of long-term care to
11 frail and disabled older adults at home.

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

17 The committee held numerous meetings during the fall of
18 2006 and submitted a special committee report to the legislature



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

10 Numerous testifiers appeared before the committee on behalf
11 of grandparents in support of recognizing their role as family
12 caregivers for their grandchildren. According to the United
13 States Census Bureau, between 1990 and 2000, there was an over
14 thirty per cent increase in the number of children under age
15 eighteen living in grandparent-headed households in Hawaii. Of
16 the 14,029 grandparents in Hawaii who report that they are
17 responsible for their resident grandchildren, over one-fifth
18 also report that the children's parents are not present in the
19 household.

20 The national family caregiver support program under the
21 reauthorized Older Americans Act includes grandparents of
22 grandchildren age eighteen years and younger or nineteen years



1 of age or older with physical or cognitive limitations.
2 Grandparents who are caregivers experience similar support needs
3 and caregiving costs as do family caregivers who provide unpaid,
4 informal assistance to older adults with physical or cognitive
5 disabilities. Custodial grandparenting has emotional, physical,
6 and financial costs. Custodial grandparents report more
7 anxiety, depression, and physical health problems than their
8 non-caregiving peers, and they need accurate and accessible
9 information on a myriad of issues.

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

16 The delivery of long term care in Hawaii and, indeed,
17 throughout the United States is fragmented and uncoordinated.
18 As a result, frail and disabled persons of all ages have
19 difficulty in getting information about existing services, and
20 in obtaining appropriate assistance. In 2005, Hawaii received a
21 federal grant to develop an aging and disability resource center
22 program. This program is designed to help family caregivers and



1 older and disabled adults find the information they need
2 regarding available options for care. To date, an aging and
3 disability resource center is under development in the county of
4 Hawaii, and a "virtual" site is planned for the city and county
5 of Honolulu. Additional funds are needed to fully develop this
6 program.

7 Family caregivers who provide care to recipients with
8 chronic or disabling conditions are themselves at risk for
9 physical, emotional, and financial problems. The daily
10 challenges and health risks that family caregivers face can
11 impede the family caregiver's ability to provide care, lead to
12 higher health care costs, and affect the family caregiver's
13 quality of life and the quality of life of the care recipient.

14 For many family caregivers, their role as family caregiver
15 arises as suddenly as the care recipient's health declines,
16 leaving family caregivers with an immediate need for services,
17 but little preparation or education regarding who to contact for
18 assistance or what services are available to them. In addition,
19 the family caregivers may not know who is capable or qualified
20 to provide them with the services that they or the care
21 recipients need. Family caregivers themselves need support
22 services, including respite services and training, education,



1 and counseling in areas such as caregiving and dealing with
2 end-of-life issues.

3 Kupuna care is a statewide long-term care program,
4 administered by the executive office on aging, which was
5 developed in partnership with the county area agencies on aging
6 to address the growing numbers of elders with long-term care
7 needs. Services provided by kupuna care are intended to help
8 meet the needs of older adults who cannot live at home without
9 adequate help from family or formal caregiving services, and
10 include services such as adult day care, respite care, assisted
11 transportation, attendant care, case management, chore, home
12 delivered meals, homemaker, transportation, and personal care.
13 In addition to the services provided to the elderly, direct
14 services to family caregivers can be provided to educate and
15 assist family caregivers in coping with their roles as a
16 caregiver.

17 Under Act 262, Session Laws of Hawaii 2006, the executive
18 office on aging is required to coordinate a statewide system of
19 caregiver support services. An appropriation should be made to
20 assist the executive office on aging's caregiver's resource
21 initiative project to enable it to continue its efforts in that
22 regard.



1 A number of approaches have been suggested as a means to
2 help family caregivers with the financial costs of family
3 caregiving, including a cash and counseling program and a family
4 caregiver refundable tax credit. However, more research and
5 analyses of these different approaches are necessary to ensure
6 that the State applies its resources and services toward helping
7 family caregivers in the most efficacious manner.

8 The purpose of this Act is to strengthen support of family
9 caregiving by:

- 10 (1) Extending the life of the joint legislative committee
11 on family caregiving;
- 12 (2) Authorizing the joint legislative committee to explore
13 establishing a paid family leave program under the
14 state temporary disability insurance law;
- 15 (3) Providing a broader definition of "family caregiver"
16 by including grandparents who are caregivers for
17 grandchildren who are age eighteen years or younger or
18 nineteen years of age or older with physical or
19 cognitive limitations;
- 20 (4) Requiring the joint legislative committee on
21 caregiving to conduct a comprehensive assessment of
22 the needs of care recipients who are age sixty and



1 older with physical or cognitive disabilities, and the
2 needs of their family caregivers;

3 (5) Appropriating funds to supplement development of the
4 aging and disability resource center program;

5 (6) Appropriating funds to expand the kupuna care
6 program's in-home and access services for qualified
7 care recipients;

8 (7) Appropriating funds to provide direct services to
9 family caregivers;

10 PART II

11 JOINT LEGISLATIVE COMMITTEE ON FAMILY CAREGIVING

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

14 "SECTION 2. (a) There is established a joint legislative
15 committee on family caregiving. The committee shall be composed
16 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 [~~who provide unpaid, informal assistance to persons~~
10 ~~age sixty and older with physical or cognitive disabilities~~].

11 For purposes of this Act, "family caregiver" means:

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

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

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

21 (1) Consider providing support in categories including
22 ~~[but not limited to]:~~



- 1 [~~1~~] (A) Coordinated services and policies;
- 2 [~~2~~] (B) Training and education;
- 3 [~~3~~] (C) Respite services;
- 4 [~~4~~] (D) Financial incentives; and
- 5 [~~5~~] (E) Balancing work and caregiving[-]; and
- 6 (2) Explore establishing a paid family leave program under
- 7 the state temporary disability insurance law, similar
- 8 to the California Paid Family Leave Program, to
- 9 provide wage replacement benefits to employees who
- 10 take time off from work to care for a seriously ill
- 11 family member.

12 (d) The joint legislative committee shall seek input from
 13 the department of health, the department of human services, the
 14 department of taxation, the University of Hawaii, the executive
 15 office on aging, and the elderly, disability, business, and
 16 faith-based communities.

17 (e) The joint legislative committee shall submit its
 18 findings and recommendations to the legislature no later than
 19 twenty days prior to the convening of the regular [~~session~~]
 20 sessions of 2007[-] and 2008.

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



1 PART III

2 NEEDS ASSESSMENT OF FAMILY CAREGIVERS

3 SECTION 3. (a) The joint legislative committee on family
4 caregiving shall conduct a comprehensive assessment of the needs
5 of care recipients who are age sixty years and older with
6 physical or cognitive disabilities and the needs of their family
7 caregivers. The needs assessment should include an evaluation
8 of:

9 (1) The extent of the unmet caregiving needs of persons
10 age sixty years and older with physical or cognitive
11 disabilities;

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

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

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

17 (b) In conducting the needs assessment, the joint
18 legislative committee on family caregiving shall identify and
19 review past surveys, such as the *2003 Hawaii Health Survey*,
20 include focus groups, and develop policy questions to guide the
21 focus of the needs assessment.



1 (c) In conducting the needs assessment, the joint
2 legislative committee on family caregiving may utilize telephone
3 surveys or other methods of gathering reliable data regarding
4 care recipients' needs and the needs of their family caregivers,
5 including purchasing additional questions for the upcoming
6 *Hawaii Health Survey*.

7 (d) The joint legislative committee on family caregiving
8 shall incorporate the completed needs assessment into the joint
9 legislative committee report to the legislature.

10 (e) For purposes of this section, "family caregiver" means
11 a person, including a non-relative such as a friend or neighbor,
12 who provides unpaid, informal assistance to a person age sixty
13 and older with physical or cognitive disabilities.

14 SECTION 4. The joint legislative committee on family
15 caregiving shall submit a report, including the completed needs
16 assessment pursuant to section 3 and any proposed legislation,
17 to the legislature no later than twenty days prior to the
18 convening of the regular session of 2008.

19 SECTION 5. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$120,000 or so much
21 thereof as may be necessary for fiscal year 2007-2008 for the
22 joint legislative committee on family caregiving, which may



1 contract with a qualified consultant, to conduct a comprehensive
2 needs assessment of family caregivers pursuant to section 3. A
3 contract executed pursuant to this section and section 3 shall
4 be exempt from chapter 103D, Hawaii Revised Statutes; provided
5 that the joint legislative committee shall endeavor to ensure
6 transparency in the letting of the contract. The sum
7 appropriated shall be allotted as follows:

8	Senate	\$60,000
9	House of representatives	\$60,000

10 The sum appropriated shall be expended by the senate and
11 the house of representatives to assist the joint legislative
12 committee on family caregiving for the purposes of this part.

13 **PART IV**

14 **NEEDS ASSESSMENT OF GRANDPARENTS RAISING GRANDCHILDREN**

15 SECTION 6. The executive office on aging, or its
16 consultant, shall conduct an assessment of the issues facing,
17 and the needs of grandparents raising grandchildren in Hawaii.
18 The executive office on aging shall submit a report, including
19 the completed needs assessment and any proposed legislation, to
20 the joint legislative committee on family caregiving by November
21 7, 2007.

22 **PART V**



1 AGING AND DISABILITY RESOURCE CENTER

2 SECTION 7. The delivery of long term care in Hawaii has
3 characteristically been uncoordinated, making it difficult for
4 consumers to obtain information about long term care options and
5 services. Much of this has to do with the fact that different
6 programs have their own eligibility requirements, funding
7 mandates, care benefits, provider participation regulations,
8 administrative structure, and service delivery mechanisms.
9 Consequently, it is difficult to coordinate a comprehensive
10 continuum of long term care (ranging from nursing homes to home-
11 and community-based services) for the elderly and the disabled.

12 In 2005, Hawaii was selected to receive a grant from the
13 United States Department of Health and Human Services to develop
14 an aging and disability resource center program. The grant is
15 intended to help Hawaii develop "one-stop shop" programs at the
16 community level that can serve as the entry point to the long
17 term services and support system. The vision is to have
18 resource centers in every community serving as highly visible
19 and trusted places where people can turn for information on the
20 full range of long term care support options, and with a
21 streamlined process for screening, intake, assessment, and
22 eligibility determination. Long term care support refers to a



1 wide range of in-home, community-based, and institutional
2 services and programs that are designed to help individuals with
3 disabilities.

4 The executive office on aging, in partnership with the
5 Hawaii county office of aging and the city and county of
6 Honolulu elderly affairs division, is already developing an
7 aging and disability resource center in Hawaii county. The
8 three-year project commenced in October, 2005, and is due for
9 completion by September, 2008. A second resource center is
10 planned for the city and county of Honolulu. A state advisory
11 board has already been established to provide public input and
12 feedback on the project development and to develop a statewide
13 access plan for future replication. Each project will also have
14 its own steering committee or advisory board at the county level
15 to assist in the specific site development.

16 The Hawaii county project received additional funding from
17 the Hawaii county council, with support from the Hawaii county
18 mayor, to enable the project to lease the former Sun Sun Lau
19 Chinese Restaurant in Hilo as the physical site. Renovations
20 are currently underway at the Hilo site with a target completion
21 date of late 2007. The Hawaii county office of aging will co-
22 locate in this centralized facility with other aging and



1 disability services and providers, including the department of
2 human services' programs and the Legal Aid Society.

3 The city and county of Honolulu project will initially be a
4 virtual site. It will build upon the city and county of
5 Honolulu elderly affairs division's current senior hotline
6 telephone information and assistance program and will develop a
7 comprehensive resource website. The overall goal is to
8 eventually establish aging and disability resource center sites
9 in all of the counties to provide statewide access.

10 The legislature finds that the aging and disability
11 resource center program will improve access to long term care
12 information and options for family caregivers, the elderly, and
13 the disabled by facilitating their search for needed services.

14 The purpose of this part is to support the aging and
15 disability resource center program by appropriating funds to
16 supplement its development. The funds shall be used to:

- 17 (1) Contract with a management information consultant to:
18 (A) Identify management information system needs;
19 (B) Assist with vendor selection;
20 (C) Ensure compliance with management information
21 system requirements;



- 1 (D) Provide resources and technical assistance for
2 project evaluation, intake, and database
3 development;
- 4 (E) Troubleshoot technical problems; and
- 5 (F) Assist with systems integration;
- 6 (2) Purchase additional management information system
7 products, including software licensing, server
8 clusters, installation, staff training, computer
9 hardware, and technical support;
- 10 (3) Install a statewide toll-free telephone system for the
11 public to contact the aging and disability resource
12 center sites. This includes the installation of the
13 single server number, telephone equipment, cable
14 lines, phone system upgrades, and special equipment
15 for the blind and deaf consumers;
- 16 (4) Coordinate and implement consumer education and
17 outreach campaigns, including outreach coordination,
18 the production and printing of brochures and posters,
19 media ads, presentations and exhibits at senior and
20 disability events or focal centers, bilingual
21 translation, and other promotional activities that



- 1 will educate the consumers and general public about
2 aging and disability resource center services;
- 3 (5) Continue the coordination and implementation of the
4 Hawaii county site;
- 5 (6) Continue the coordination and implementation of the
6 city and county of Honolulu site;
- 7 (7) Continue the state-level coordination and evaluation
8 activities of the project; and
- 9 (8) Provide training to aging and disability resource
10 center staff.

11 SECTION 8. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$300,000 or so much
13 thereof as may be necessary for fiscal year 2007-2008 and the
14 sum of \$230,000 or so much thereof as may be necessary for
15 fiscal year 2008-2009 to the executive office on aging to
16 support the continuous development of the aging and disability
17 resource center project in Hawaii.

18 The sums appropriated shall be expended by the department
19 of health for the purposes of this section.

20 **PART VI**
21 **SERVICES**



1 SECTION 9. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$475,000 or so much
3 thereof as may be necessary for fiscal year 2007-2008 and
4 \$525,000 or so much thereof as may be necessary for fiscal year
5 2008-2009 to the executive office on aging to expand the kupuna
6 care program's in-home and access services to qualified care
7 recipients and to provide direct services to family caregivers.

8 The sums appropriated shall be expended by the department
9 of health for the purposes of this part.

10 PART VII

11 APPROACHES TO FINANCIAL NEEDS OF FAMILY CAREGIVERS

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

20 The program's innovative approach enables participants to
21 direct and manage their personal assistance services according
22 to their own specific needs. Participants can choose a family



1 member or friend, in lieu of an agency worker, to provide the
2 services. They receive counseling and fiscal assistance to help
3 them manage their allowance and responsibilities. The program
4 was first implemented in Arkansas, New Jersey, and Florida, and
5 has since expanded to include twelve other states.

6 The potential exists to establish a similar program here in
7 Hawaii to serve the needs of residents receiving medicaid
8 personal care services or home- and community-based services, as
9 well as residents who are not medicaid recipients.

10 (b) A tax credit to caregivers who care for qualified care
11 recipients is another approach to helping family caregivers
12 defray some of the cost of providing invaluable caregiving
13 services. One measure introduced during the 2007 legislative
14 session, Senate Bill No. 1199, S.D. 2 (2007), provides eligible
15 taxpayers with a refundable income tax credit on a sliding scale
16 basis.

17 SECTION 11. (a) The executive office on aging shall:

18 (1) Research the cash and counseling program and its
19 implementation in other states, including Arkansas,
20 New Jersey, and Florida;

21 (2) In completing its research:



- 1 (A) Contact the national program office at the Boston
2 college graduate school of social work, which
3 coordinates replications of the program;
- 4 (B) Consult with the Robert Wood Johnson Foundation,
5 the Office of the Assistant Secretary for
6 Planning and Evaluation at the United States
7 Department of Health and Human Services, the
8 Administration on Aging, the department of human
9 services, and the department of health; and
- 10 (C) Examine models that include individuals receiving
11 medicaid personal care services or home- and
12 community-based services, as well as individuals
13 who are not medicaid recipients;
- 14 (3) Submit an interim report of its research findings to
15 the joint legislative committee on family caregiving
16 by November 1, 2007;
- 17 (b) The executive office on aging shall also:
- 18 (1) Prepare a cost-benefit analysis of a \$1,000, \$750, and
19 \$500 family caregiver refundable tax credit as
20 proposed in Senate Bill No. 1199, S.D. 2 (2007); and



1 (2) Submit a report, including the results of the
2 cost-benefit analysis, to the joint legislative
3 committee on family caregiving by November 1, 2007.

4 PART VIII

5 MISCELLANEOUS PROVISIONS

6 SECTION 12. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 13. This Act shall take effect upon its approval;
9 provided that sections 5, 8, and 9 shall take effect on July 1,
10 2007; and further provided that section 2 shall take effect on
11 June 29, 2007.



S.B. NO. 1916
S.D. 2
H.D. 3
C.D. 1

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 joint legislative committee on caregiving to conduct a comprehensive assessment of care recipients' needs and the needs of their family caregivers; requiring the executive office on aging to perform a comprehensive assessment of grandparents raising grandchildren in Hawaii; and appropriating funds to expand services of the kapuna care program, and continue the development of the aging and disability resource center project. (CD1)

