
A BILL FOR AN ACT

RELATING TO CAREGIVING.

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

1 PART I

2 JOINT LEGISLATIVE COMMITTEE ON FAMILY CAREGIVING

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 healthcare and long-term care systems.
6 By 2020, more than one in four individuals is expected to be
7 sixty years old or older. The need for personal care assistance
8 due 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.



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 sustainable, community-based family caregiver support system
5 that will maximize resources in all communities. However, more
6 information must be gathered on this subject to enable the State
7 to apply resources and services in a more efficacious manner.
8 The committee should continue its work on its proposal for the
9 establishment of a comprehensive, sustainable, community-based
10 family caregiver support system.

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

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



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

3 For many, their role as family caregiver arises as suddenly
4 as the care recipient's health declines, leaving the family
5 caregiver with an immediate need for services but little
6 preparation or knowledge regarding who to contact for assistance
7 or what services are available to them. Family caregivers
8 themselves need support services, including respite services and
9 training, education, and counseling, in areas such as caregiving
10 and dealing with end-of-life issues.

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



1 In addition to the services provided to the elderly, the
2 family caregiver support program, also administered by the
3 executive office on aging, offers services for the family
4 caregivers of their elderly clients. This program can be
5 expanded to provide additional services to family caregivers to
6 educate and assist them in coping with their roles as a
7 caregiver.

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

- 10 (1) Authorizing the joint legislative committee on family
11 caregiving to continue its work until June 30, 2008;
- 12 (2) Adding an additional responsibility for the joint
13 legislative committee to explore establishing a paid
14 family leave program under the state temporary
15 disability insurance law; and
- 16 (3) Providing a broader definition of "family caregiver".

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

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



1 (1) Four members of the house of representatives,
2 consisting of three members from the majority party
3 and one member from the minority party, who shall be
4 appointed by the speaker of the house of
5 representatives; and

6 (2) Four members of the senate, consisting of three
7 members from the majority party and one member from
8 the minority party, who shall be appointed by the
9 president of the senate.

10 The committee shall select a chairperson from its
11 membership.

12 (b) The joint legislative committee shall develop
13 comprehensive public policy to strengthen support for family
14 caregivers [~~who provide unpaid, informal assistance to persons~~
15 ~~age sixty and older with physical or cognitive disabilities~~].

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

17 (1) A person, including a non-relative such as a friend or
18 neighbor, who provides unpaid, informal assistance to
19 a person age sixty and older with physical or
20 cognitive disabilities; and

21 (2) A grandparent who is a caregiver for a grandchild who
22 is age eighteen years or younger or who is nineteen



1 years of age or older with physical or cognitive
2 limitations."

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

4 (1) Consider providing support in categories, including
5 [~~but not limited to~~]:

6 [~~+1~~] (A) Coordinated services and policies;

7 [~~+2~~] (B) Training and education;

8 [~~+3~~] (C) Respite services;

9 [~~+4~~] (D) Financial incentives; and

10 [~~+5~~] (E) Balancing work and caregiving[~~-~~];

11 and

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

18 (d) The joint legislative committee shall seek input from
19 the department of health, the department of human services, the
20 department of taxation, the University of Hawaii, the executive
21 office on aging, and the elderly, disability, business, and
22 faith-based communities.



1 (e) 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 [~~session~~]
4 sessions of 2007[~~-~~] and 2008.

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

7 PART II

8 NEEDS ASSESSMENT

9 SECTION 3. (a) The executive office on aging shall
10 conduct a comprehensive assessment of the needs of care
11 recipients who are age sixty and older with physical or
12 cognitive disabilities and the needs of their family caregivers.
13 The needs assessment shall include an evaluation of:

- 14 (1) The extent of the unmet caregiving needs of persons
15 age sixty and older with physical or cognitive
16 disabilities;
- 17 (2) The size of the current family caregiver population;
- 18 (3) The percentage of care recipients' needs being met by
19 paid versus unpaid caregivers; and
- 20 (4) The impact of caregiving on family caregivers'
21 employment and income.



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

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

10 (d) The executive office on aging shall submit the
11 completed needs assessment to the joint legislative committee on
12 family caregiving no later than twenty days prior to the
13 convening of the regular session of 2008 to facilitate the
14 development of a comprehensive, sustainable, and community-based
15 family caregiver support system.

16 (e) For purposes of this part, "family caregiver" means a
17 person, including a non-relative such as a friend or neighbor,
18 who provides free and continuing day-to-day care in the home to
19 a care recipient.

20 SECTION 4. The executive office on aging shall submit a
21 report, including the completed needs assessment and any



1 proposed legislation, to the legislature no later than twenty
2 days prior to the convening of the regular session of 2008.

3 PART III

4 SERVICES

5 SECTION 5. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$, or so much
7 thereof as may be necessary for fiscal year 2007-2008, and the
8 same sum, or so much thereof as may be necessary for fiscal year
9 2008-2009, to expand the kupuna care program's in-home and
10 access services to qualified care recipients.

11 The sums appropriated shall be expended by the executive
12 office on aging for the purposes of this section.

13 SECTION 6. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$, or so much
15 thereof as may be necessary for fiscal year 2007-2008, and the
16 same sum, or so much thereof as may be necessary for fiscal year
17 2008-2009, for direct services to family caregivers.

18 The sums appropriated shall be expended by the executive
19 office on aging for the purposes of this section.



1 PART IV

2 GRANDPARENTS CARING FOR GRANDCHILDREN

3 SECTION 7. The number of grandparents raising

4 grandchildren is growing rapidly, both statewide and nationwide.

5 According to the United States Census Bureau, between 1990 and

6 2000, there was an over thirty per cent increase in the number

7 of children under age eighteen living in grandparent-headed

8 households in Hawaii. Of the fourteen thousand twenty-nine

9 grandparents in Hawaii who report that they are responsible for

10 their resident grandchildren, over one-fifth also report that

11 the children's parents are not present in the household.

12 The rapid increase in the number of grandparents raising

13 grandchildren is attributed to both demographic trends and

14 social issues. Grandparents today have an increased life

15 expectancy and relative good health compared to previous

16 generations. As a result, they are better able to assume the

17 responsibilities of custodial caregiving. Broad social issues

18 such as divorce, substance abuse, incarceration, mental illness,

19 and abuse or neglect of the grandchildren are among the reasons

20 that grandparents take the role of primary caregivers from their

21 children.



1 Custodial grandparenting has emotional, physical, and
2 financial costs. Grandparents often report feeling guilt or
3 shame resulting from the situations that lead to their acquiring
4 custody of their grandchildren. They report more anxiety,
5 depression, and physical health problems than their non-
6 caregiving peers. Many of these grandparents are single,
7 female, and living in poverty. Their problems are often
8 exacerbated if they do not have legal custody of their
9 grandchildren, since they may not receive financial or
10 educational support or healthcare for their grandchildren.

11 Custodial grandparents need accurate and accessible
12 information on a myriad of issues, including legal aid for
13 custody or guardianship, financial assistance, counseling,
14 respite care, housing, healthcare, and education regarding
15 parenting for the second time.

16 It is important to have a clear understanding of the issues
17 facing, and the needs of, grandparents raising grandchildren in
18 Hawaii to formulate policies and programs to better assist this
19 population.

20 SECTION 8. The executive office on aging shall conduct an
21 assessment of the issues facing, and the needs of, grandparents
22 raising grandchildren in Hawaii. A report of this assessment



1 shall be submitted to the legislature no later than twenty days
2 prior to the convening of the 2008 regular session.

3 PART V

4 AGING AND DISABILITY RESOURCE CENTER

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

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



1 full range of long term care support options, and with a
2 streamlined process for screening, intake, assessment, and
3 eligibility determination. Long term care support refers to a
4 wide range of in-home, community-based, and institutional
5 services and programs that are designed to help individuals with
6 disabilities.

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

19 The Hawaii county project received additional funding from
20 the Hawaii county council, with support from the Hawaii county
21 mayor, to enable the project to lease the former Sun Sun Lau
22 Chinese Restaurant in Hilo as the physical site. Renovations



1 are currently underway at the Hilo site with a target completion
2 date of late 2007. The Hawaii county office of aging will co-
3 locate in this centralized facility with other aging and
4 disability services and providers, including the department of
5 human services' programs and the Legal Aid Society.

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

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

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

20 (1) Contract with a state management information
21 consultant to:

22 (A) Identify management information system needs;



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



1 disability events or focal centers, bilingual
2 translation, and other promotional activities that
3 will educate the consumers and general public about
4 aging and disability resource center services;

5 (5) Continue the coordination and implementation of the
6 Hawaii county site;

7 (6) Continue the coordination and implementation of the
8 city and county of Honolulu site;

9 (7) Continue the state-level coordination and evaluation
10 activities of the project; and

11 (8) Provide training to aging and disability resource
12 center staff.

13 SECTION 10. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$, or so much
15 thereof as may be necessary for fiscal year 2007-2008, and the
16 sum of \$, or so much thereof as may be necessary for
17 fiscal year 2008-2009, to support the continuous development of
18 the Aging and Disability Resource Center Project in Hawaii.

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



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PART VI

MISCELLANEOUS PROVISIONS

SECTION 11. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 12. This Act shall take effect on July 1, 2020; provided that:

- (1) Section 2 shall take effect on June 29, 2007; and
- (2) Sections 5, 6, and 10 shall take effect on July 1, 2020.



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 services for care recipients and their family caregivers.

(SB1916 HD3)

