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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

2   FINDINGS AND PURPOSE

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.



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,  
15 administered by the executive office on aging, which was  
16 developed in partnership with the county area agencies-on-aging  
17 to address the growing numbers of elders with long-term care  
18 needs. Services provided by kupuna care are intended to help  
19 meet the needs of older adults who cannot live at home without  
20 adequate help from family or formal services, and include  
21 services such as adult day care, respite care, assisted



1 transportation, attendant care, case management, chore, home  
2 delivered meals, homemaker, transportation, and personal care.

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

10 The purpose of this Act is to strengthen support of family  
11 caregiving by:

- 12 (1) Extending the life of the joint legislative committee  
13 on family caregiving;
- 14 (2) Authorizing the joint legislative committee to explore  
15 establishing a paid family leave program under the  
16 state temporary disability insurance law;
- 17 (3) Providing a broader definition of "family caregiver";
- 18 (4) Requiring the executive office on aging to conduct a  
19 comprehensive assessment of care recipients' needs and  
20 the needs of their family caregivers;



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

4 (6) Appropriating funds to expand services to family  
5 caregivers who often need assistance, education, and  
6 support to continue to care for their loved ones at  
7 home.

8 PART II

9 JOINT LEGISLATIVE COMMITTEE ON FAMILY CAREGIVING

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

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

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

20 (2) Four members of the senate, consisting of three  
21 members from the majority party and one member from



1 the minority party, who shall be appointed by the  
2 president of the senate.

3 The committee shall select a chairperson from its  
4 membership.

5 (b) The joint legislative committee shall develop  
6 comprehensive public policy to strengthen support for family  
7 caregivers who provide unpaid, informal assistance to persons  
8 ~~[age sixty and older]~~ with physical or cognitive disabilities.  
9 For purposes of this Act, "family caregivers" include persons  
10 with no blood relationship with the care recipient, and  
11 grandparents who are caregivers for their grandchildren who are  
12 age eighteen years or younger with physical or cognitive  
13 disabilities.

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

15 (1) Consider providing support in categories including

16 ~~[but not limited to]~~:

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

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

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

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

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



1        (2) Explore establishing a paid family leave program under  
 2        the state temporary disability insurance law, similar  
 3        to the California Paid Family Leave Program, to  
 4        provide wage replacement benefits to employees who  
 5        take time off from work to care for a seriously ill  
 6        family member.

7        (d) The joint legislative committee shall seek input from  
 8 the department of health, the department of human services, the  
 9 department of taxation, the University of Hawaii, the executive  
 10 office on aging, and the elderly, disability, business, and  
 11 faith-based communities.

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

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

PART III

NEEDS ASSESSMENT

20        SECTION 3. (a) The executive office on aging shall  
 21 conduct a comprehensive assessment of the needs of care  
 22 recipients' who are age sixty and older with physical or



1 cognitive disabilities and the needs of their family caregivers.

2 The needs assessment should include an evaluation of:

3 (1) The extent of the unmet caregiving needs of persons  
4 age sixty and older with physical or cognitive  
5 disabilities;

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

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

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

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

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

20 (d) The executive office on aging shall forward a copy of  
21 the completed needs assessment to the joint legislative  
22 committee on family caregiving no later than twenty days prior





1 to the convening of the 2008 regular legislative session to help  
2 facilitate the development of a comprehensive, sustainable, and  
3 community-based family caregiver support system.

4 (e) For purposes of this section, "family caregiver" means  
5 a person, including a non-relative such as a friend or neighbor,  
6 who provides free and continuing day-to-day care in the home to  
7 a care recipient.

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

13 SECTION 5. There is appropriated out of the general  
14 revenues of the State of Hawaii the following sums, or so much  
15 thereof as may be necessary for fiscal year 2007-2008, for the  
16 executive office on aging to conduct a comprehensive needs  
17 assessment pursuant to section 3.

18 Senate \$  
19 House of representatives \$

20 The sum appropriated shall be expended by the senate and  
21 the house of representatives for the purposes of this Act.

22 PART IV



1 SERVICES

2 SECTION 6. There is appropriated out of the general  
3 revenues of the State of Hawaii the sum of \$750,000, or so much  
4 thereof as may be necessary for fiscal year 2007-2008, and the  
5 same sum, or so much thereof as may be necessary for fiscal year  
6 2008-2009, to expand the kupuna care services program's in-home  
7 and access services to qualified care recipients and provide  
8 expanded services to family caregivers.

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

11 SECTION 7. 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 same sum, or so much thereof as may be necessary for fiscal year  
15 2008-2009, for the family caregiver support program.

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

18 PART V

19 MISCELLANEOUS PROVISIONS

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



1 SECTION 9. This Act shall take effect upon its approval;  
2 provided that sections 5, 6, and 7 shall take effect on July 1,  
3 2007.



**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. (SD1)

