

PROPOSED

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# A BILL FOR AN ACT

RELATING TO CAREGIVING.

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

**PART I**

**FINDINGS AND PURPOSE**

1  
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.



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



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1           The national family caregiver support program under the  
2 reauthorized Older Americans Act includes grandparents of  
3 grandchildren age eighteen years and younger. They experience  
4 similar support needs and costs of caregiving with family  
5 caregivers who provide unpaid, informal assistance to older  
6 adults with physical or cognitive disabilities. Custodial  
7 grandparenting has emotional, physical, and financial costs.  
8 Custodial grandparents report more anxiety, depression, and  
9 physical health problems than their non-caregiving peers, and  
10 they need accurate and accessible information on a myriad of  
11 issues.

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 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 caregiving services, and  
21 include services such as adult day care, respite care, assisted  
22 transportation, attendant care, case management, chore, home



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1 delivered meals, homemaker, transportation, and personal care.  
2 In addition to the services provided to the elderly, direct  
3 services to family caregivers can be provided to educate and  
4 assist family caregivers in coping with their roles as a  
5 caregiver.

6 Under Act 262, Session Laws of Hawaii 2006, the executive  
7 office on aging is required to coordinate a statewide system of  
8 caregiver support services. An appropriation should be made to  
9 assist the executive office on aging's caregiver's resource  
10 initiative project to enable it to continue its efforts in that  
11 regard.

12 A number of approaches have been suggested as means to help  
13 family caregivers with the financial costs of family caregiving,  
14 including cash and counseling and a family caregiver refundable  
15 tax credit. However, more research and analyses of these  
16 different approaches is necessary to ensure that the State  
17 applies its resources and services towards helping family  
18 caregivers in the most efficacious manner.

19 The purpose of this Act is to strengthen support of family  
20 caregiving by:

21 (1) Extending the life of the joint legislative committee  
22 on family caregiving;



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- 1           (2) Authorizing the joint legislative committee to explore  
2           establishing a paid family leave program under the  
3           state temporary disability insurance law;
- 4           (3) Providing a broader definition of "family caregiver"  
5           by including grandparents who are caregivers for  
6           grandchildren who are age eighteen years or younger or  
7           eighteen years of age or older with physical or  
8           cognitive limitations;
- 9           (4) Requiring the executive office on aging to conduct a  
10          comprehensive assessment of the needs of care  
11          recipients who are age sixty and older with physical  
12          or cognitive disabilities and the needs of their  
13          family caregivers;
- 14          (5) Appropriating funds for the executive office on aging  
15          to conduct a comprehensive assessment of the issues  
16          facing, and the needs of, grandparents raising  
17          grandchildren who are age eighteen years or younger;
- 18          (6) Appropriating funds to expand the kupuna care  
19          program's in-home and access services for qualified  
20          care recipients;
- 21          (7) Appropriating funds to provide direct services to  
22          family caregivers;



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- 1 (8) Appropriating funds to the executive office on aging
- 2 for the caregiver's resource initiative project,
- 3 including the continuation of its efforts to
- 4 coordinate a statewide system of family caregiver
- 5 policies and support services; and
- 6 (9) Appropriating funds to the executive office on aging
- 7 to provide analyses of two different approaches to
- 8 helping family caregivers with their financial needs.

PART II

JOINT LEGISLATIVE COMMITTEE ON FAMILY CAREGIVING

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

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

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

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



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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 caregiver" means:

10 (1) A person, including a non-relative such as a friend or  
11 neighbor, who provides unpaid, informal assistance to  
12 a person age sixty and older with physical or  
13 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 eighteen  
16 years of age or older with physical or cognitive  
17 limitations.

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

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

21 [~~+1~~] (A) Coordinated services and policies;

22 [~~+2~~] (B) Training and education;





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- 1       ~~[(3)]~~ (C) Respite services;
- 2       ~~[(4)]~~ (D) Financial incentives; and
- 3       ~~[(5)]~~ (E) Balancing work and caregiving~~[-]~~; 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 shall seek input from
- 11       the department of health, the department of human services, the
- 12       department of taxation, the University of Hawaii, the executive
- 13       office on aging, and the elderly, disability, business, and
- 14       faith-based communities.
- 15       (e) The joint legislative committee shall submit its
- 16       findings and recommendations to the legislature no later than
- 17       twenty days prior to the convening of the regular ~~[session]~~
- 18       sessions of 2007~~[-]~~ and 2008.
- 19       (f) The joint legislative committee shall cease to exist
- 20       on ~~[June 30, 2007.]~~ June 30, 2008."

## PART III

## NEEDS ASSESSMENT OF FAMILY CAREGIVERS



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1 SECTION 3. (a) The executive office on aging shall  
2 conduct a comprehensive assessment of the needs of care  
3 recipients who are age sixty and older with physical or  
4 cognitive disabilities and the needs of their family caregivers.

5 The needs assessment should include an evaluation of:

- 6 (1) The extent of the unmet caregiving needs of persons  
7 age sixty and older with physical or cognitive  
8 disabilities;
- 9 (2) The size of the current family caregiver population;
- 10 (3) The percentage of care recipients' needs being met by  
11 paid versus unpaid caregivers; and
- 12 (4) The impact of caregiving on family caregivers'  
13 employment and income.

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

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



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1 (d) The executive office on aging shall submit the  
 2 completed needs assessment to the joint legislative committee on  
 3 family caregiving no later than twenty days prior to the  
 4 convening of the regular session of 2008 to facilitate the  
 5 development of a comprehensive, sustainable, and community-based  
 6 family caregiver support system.

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

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

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

20	Senate	\$
21	House of representatives	\$



1 The sum appropriated shall be expended by the senate and  
2 the house of representatives to assist the executive office on  
3 aging for the purposes of this part.

4 PART IV

5 NEEDS ASSESSMENT OF GRANDPARENTS RAISING GRANDCHILDREN

6 SECTION 6. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$ or so  
8 much thereof as may be necessary for fiscal year 2007-2008 for  
9 the executive office on aging to conduct an assessment of the  
10 issues facing, and the needs of, grandparents raising  
11 grandchildren in Hawaii.

12 Senate \$  
13 House of representatives \$

14 The sum appropriated shall be expended by the senate and  
15 the house of representatives to assist the executive office on  
16 aging for the purposes of this part.

17 SECTION 7. The executive office on aging shall submit a  
18 report, including the completed needs assessment and any  
19 proposed legislation, to the legislature no later than twenty  
20 days prior to the convening of the regular session of 2008.

21 PART V

22 SERVICES



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

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

10 SECTION 9. There is appropriated out of the general  
 11 revenues of the State of Hawaii the sum of \$ or so  
 12 much thereof as may be necessary for fiscal year 2007-2008 and  
 13 the same sum or so much thereof as may be necessary for fiscal  
 14 year 2008-2009 to the executive office on aging to provide  
 15 direct services to family caregivers.

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

18 SECTION 10. There is appropriated out of the general  
 19 revenues of the State of Hawaii the sum of \$ or so  
 20 much thereof as may be necessary for fiscal year 2007-2008 and  
 21 the same sum or so much thereof as may be necessary for fiscal  
 22 year 2008-2009 to the executive office on aging for the



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1 caregiver's resource initiative project, including the  
2 continuation of its efforts to coordinate a statewide system of  
3 family caregiver policies and support services.

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

6 **PART VI**

7 **APPROACHES TO FINANCIAL NEEDS OF FAMILY CAREGIVERS**

8 SECTION 11. (a) Cash and counseling is a national program  
9 sponsored by the Robert Wood Johnson Foundation; the United  
10 States Department of Health and Human Services, Office of the  
11 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



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1 was first implemented in Arkansas, New Jersey, and Florida, and  
2 has since expanded to include twelve other states.

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

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

14 SECTION 12. (a) The executive office on aging shall:

15 (1) Research the cash and counseling program and its  
16 implementation in other states, including Arkansas,  
17 New Jersey, and Florida;

18 (2) In completing its research:

19 (A) Contact the national program office at the Boston  
20 college graduate school of social work, which  
21 coordinates replications of the program;



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- 1 (B) Consult with the Robert Wood Johnson Foundation,  
2 the Office of the Assistant Secretary for  
3 Planning and Evaluation at the United States  
4 Department of Health and Human Services, the  
5 Administration on Aging, the department of human  
6 services, and the department of health; and
- 7 (C) Examine models that include individuals receiving  
8 medicaid personal care services or home- and  
9 community-based services, as well as individuals  
10 who are not medicaid recipients;
- 11 (3) Submit an interim report of its research findings to  
12 the legislature no later than twenty days prior to the  
13 convening of the 2008 regular session;
- 14 (4) Use the report of its research findings to:
- 15 (A) Develop a plan for how to implement a similar  
16 program here in Hawaii to serve the needs of  
17 residents who are not medicaid recipients; and
- 18 (B) Prepare a cost-benefit analysis of implementing a  
19 similar program here in Hawaii to serve the needs  
20 of residents who are not medicaid recipients; and
- 21 (5) Submit a final report, including the plan and cost  
22 benefit analysis, to the legislature no later than





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1 twenty days prior to the convening of the 2009 regular  
2 session.

3 (b) The executive office on aging shall also:

4 (1) Prepare a cost-benefit analysis of a \$1,000, \$750, and  
5 \$500 family caregiver refundable tax credit as  
6 proposed in Senate Bill No. 1199, S.D. 2 (2007); and

7 (2) Submit a report, including the results of the  
8 cost-benefit analysis, to the legislature no later  
9 than twenty days prior to the convening of the 2008  
10 regular session.

11 SECTION 13. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$ or so  
13 much thereof as may be necessary for fiscal year 2007-2008 and  
14 the same sum or so much thereof as may be necessary for fiscal  
15 year 2008-2009 to the executive office on aging for the purposes  
16 of section 11 of this Act.

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

19 PART VII

20 MISCELLANEOUS PROVISIONS

21 SECTION 14. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



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1 SECTION 15. This Act shall take effect upon its approval;  
2 provided that sections 5, 6, 8, 9, 10, and 13 shall take effect  
3 on July 1, 2007.



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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 services for care recipients and their family caregivers. (SD1)

