

JAN 16 2008

A BILL FOR AN ACT

RELATING TO CAREGIVING.

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

1 PART I. JOINT LEGISLATIVE

2 COMMITTEE ON FAMILY CAREGIVING

3 SECTION 1. (a) The legislature finds that during the 2007
4 interim, the joint legislative committee on family caregiving
5 continued its work on creating a comprehensive and sustainable,
6 community-based family caregiver support system that includes:
7 (1) a coordinated referral and case management service; (2)
8 centralization of available services; (3) volunteers; (4)
9 education and training; and (5) financial assistance.

10 During the 2007 interim, the joint legislative committee
11 had the benefit of examining localized studies and surveys, some
12 of which contained preliminary results, which provided concrete
13 evidence of the needs of family caregivers. The joint
14 legislative committee on family caregiving also had the benefit
15 of looking at what other states have done and are doing in
16 response to the growing concern of eldercare issues.

17 (b) The purpose of this part is to:



- 1 (1) Extend the work of the joint legislative committee on
- 2 family caregiving for one year;
- 3 (2) Change the name of the joint legislative committee on
- 4 family caregiving to the "joint legislative committee
- 5 on aging in place"; and
- 6 (3) Require the aging and disability resource center to
- 7 provide the joint legislative committee with an update
- 8 on the physical site for the center in Hawaii county
- 9 and the "virtual" site in the city and county of
- 10 Honolulu.

11 SECTION 2. Act 285, Session Laws of Hawaii 2006, as
12 amended by Act 204, Session Laws of Hawaii 2007, is amended by
13 amending section 2 to read as follows:

14 "SECTION 2. (a) There is established a joint legislative
15 committee on [~~family caregiving~~] aging in place. The committee
16 shall be composed 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. 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 nineteen
16 years of age or older with physical or cognitive
17 limitations.

18 (c) The joint legislative committee shall:

19 (1) Consider providing support in categories including:

20 (A) Coordinated services and policies;

21 (B) Training and education;

22 (C) Respite services;



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

9 (d) The joint legislative committee may explore issues of
10 "aging in place" as they relate to family caregiving.

11 (e) The Hawaii aging and disability resource center shall
12 provide an update to the joint legislative committee of its
13 development and implementation of the physical site for the
14 center in the county of Hawaii, and the "virtual" site planned
15 for the city and county of Honolulu.

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

21 [~~e~~] (g) The joint legislative committee shall submit its
22 findings and recommendations to the legislature no later than



1 twenty days prior to the convening of the regular sessions of
2 2007 [~~and~~], 2008 [~~-~~], and 2009.

3 [~~(f)~~] (h) The joint legislative committee shall cease to
4 exist on June 30, [~~2008-~~] 2009."

5 **PART II. FINANCIAL ASSISTANCE FOR CAREGIVING**

6 SECTION 3. The cash and counseling program is a national
7 initiative sponsored by the Robert Wood Johnson Foundation; the
8 United States Department of Health and Human Services, Office of
9 the Assistant Secretary for Planning and Evaluation; and the
10 Administration on Aging. Under the program, recipients of
11 medicaid personal care services or home- and community-based
12 services receive a flexible monthly allowance and decide who to
13 hire and what services they want to receive.

14 The program's innovative approach enables participants to
15 direct and manage their personal assistance services according
16 to their own specific needs. Participants can choose a family
17 member or friend, in lieu of an agency worker, to provide the
18 services. They receive counseling and fiscal assistance to help
19 them manage their allowance and responsibilities. The program
20 was first implemented in Arkansas, New Jersey, and Florida, and
21 has since expanded to include other states.



1 During the 2007 interim, the joint legislative committee on
2 family caregiving received information and data related to the
3 family caregivers needs assessment conducted by the executive
4 office on aging and cash and counseling research conducted by
5 the executive office on aging and the University of Hawaii
6 school of social work.

7 The family caregiver needs assessment indicated that
8 caregivers need more affordable services and financial
9 assistance. The cash and counseling research demonstrated that
10 those states that had cash and counseling programs reported high
11 satisfaction by both caregivers and care recipients and allowed
12 informal caregivers to receive financial recognition for their
13 services.

14 In Hawaii, there are out-of-pocket costs for families to
15 pay for home- and community-based programs that are available
16 for elders and persons with disabilities. The government pays
17 for such services for those who have lower incomes and qualify
18 for medicaid. However, a majority of Hawaii's families are
19 ineligible for public assistance and are having to carry the
20 financial burdens of caregiving. This leaves a gap in services
21 for those elders of modest means. As a result, this group of
22 individuals has the least coverage in terms of home- and



1 community-based services. Hawaii should consider providing a
2 cash and counseling program to non-medicaid eligible elders to
3 allow this group of individuals to have control over their care,
4 while benefiting their caregivers.

5 The work on cash and counseling being conducted by the
6 executive office on aging and the University of Hawaii school of
7 social work will continue until the end of the 2007-2008 fiscal
8 year. The research conducted shows that a cash and counseling
9 program is worth pursuing, and it is essential to continue the
10 work in developing phase two of a cash and counseling project
11 that can be completed by the end of 2008.

12 SECTION 4. The joint legislative committee on aging in
13 place shall conduct a cash and counseling project for non-
14 medicaid participants to direct and manage their personal
15 assistance services according to their own specific needs, while
16 enabling family caregivers to receive a level of financial
17 recognition and support. In conducting a cash and counseling
18 project, the joint legislative committee on aging in place may
19 consider including a respite care component, a case management
20 component, a separate fiscal agent, a personal care component,
21 and allowing the consumer to be the employer of any service
22 provider, whether an agency or family member.



1 The joint legislative committee on aging in place may
2 contract with a qualified consultant to design a cash and
3 counseling program.

4 A contract executed pursuant to this section and section 5
5 of this Act shall be exempt from chapter 103D, Hawaii Revised
6 Statutes; provided that the joint legislative committee on aging
7 in place shall endeavor to ensure transparency in the letting of
8 the contract.

9 The project shall include an advisory group to assist with
10 the design of the cash and counseling program. In order to
11 ensure that those who have the greatest need and the fewest
12 resources are able to utilize such a program, the advisory group
13 shall examine whether an asset limitation or restriction on
14 consumers shall be implemented in the design of a cash and
15 counseling program.

16 The joint legislative committee on aging in place shall
17 report on the results of the project as part of its report to
18 the legislature pursuant to section 2 of this Act.

19 SECTION 5. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so
21 much thereof as may be necessary for fiscal year 2008-2009 for
22 the joint legislative committee on aging in place, which may



1 contract with a qualified consultant, to conduct a cash and
2 counseling project, pursuant to section 4 of this Act. The sum
3 appropriated shall be allocated as follows:

4 Senate \$
5 House of representatives \$

6 The sum appropriated shall be expended by the senate and
7 house of representatives to assist the joint legislative
8 committee on aging in place for the purposes of this part.

9 PART III. KUPUNA CARE

10 SECTION 6. On July 1, 1999, the executive office on aging
11 launched its statewide long-term care program called kupuna
12 care. Kupuna care was developed in partnership with the county
13 area agencies-on-aging to address the growing numbers of elders
14 with long-term care needs.

15 Services provided by kupuna care are intended to help meet
16 the needs of older adults who cannot live at home without
17 adequate help from family or formal services, and includes
18 services such as adult day care, respite care, assisted
19 transportation, attendant care, case management, chore, home
20 delivered meals, homemaker, transportation, and personal care.

21 Kupuna care was designed to assist, not totally support,
22 Hawaii's older adults to live independently, safely, and healthy



1 for as long as possible. The care may cover United States
2 citizens or legal aliens sixty years or older who are not
3 receiving other comparable government assistance, who need help
4 with activities of daily living (eating, dressing, bathing,
5 toileting, transferring, and mobility) or because they have
6 reduced mental capacity, and who are not residing in an
7 institution.

8 State funds cover the cost of services for those who cannot
9 afford to pay. Kupuna care offers a reduced rate for those who
10 can afford to pay only a portion of the service. Voluntary
11 donations to the service provider are welcomed for any service
12 provided and are used to support the cost of care of additional
13 clients.

14 In addition to the services provided to the elderly, kupuna
15 care also offers services for the family caregivers of their
16 elderly clients. As Hawaii's population ages, many more
17 families will be providing higher levels of long-term care to
18 frail and disabled older adults at home. For many family
19 caregivers, their role as family caregiver arises as suddenly as
20 the care recipient's health declines, leaving the family
21 caregivers with an immediate need for services, but little
22 preparation or education regarding who to contact for assistance



1 or what services are available to them. In addition, the family
2 caregivers may not know who is capable or qualified to provide
3 them with the services that they or the care recipients need.
4 Family caregivers themselves need support services, including
5 training, education, and counseling in areas such as caregiving
6 and dealing with end-of-life issues.

7 In addition, there are emotional, physical, and financial
8 costs of being a family caregiver. The younger family
9 caregivers are often in critical need of finding ways to reduce
10 the stress caused by caregiving.

11 Respite has been shown to be beneficial in lowering stress
12 and other negative consequences of caregiving and the *State of*
13 *Hawaii Caregivers Need Assessment (2007)* shows that respite is
14 something family caregivers need.

15 Besides the everyday stress that respite can relieve, there
16 are times when a family caregiver may unexpectedly become unable
17 to provide the needed caregiving services due to illness, an
18 accident, or other reasons. At these times, emergency respite
19 care becomes critical.

20 The needs assessment also shows that family caregivers need
21 financial support as they carry the heavy financial burdens of
22 caring for a loved one. In addition, both caregivers and care



1 recipients need financial assistance in making necessary home
2 modifications that will allow the care recipient to age in
3 place.

4 The legislature finds that the kupuna care program can
5 expand its services and incorporate progressive ways of helping
6 meet the growing needs of Hawaii's older adults and allow these
7 individuals to age in place.

8 The purpose of this part is to:

9 (1) Allow the kupuna care program to:

10 (A) Offer emergency, overnight, and weekend respite
11 services;

12 (B) Provide grants for home modifications that
13 facilitate aging in place pursuant to a care plan
14 as part of a cash and counseling approach; and

15 (C) Provide grants to family caregivers pursuant to a
16 care plan as part of a cash and counseling
17 approach; and

18 (2) Amend the 2008-2009 operating budget of the executive
19 office on aging to increase program funding for kupuna
20 care and ensure that kupuna care continues to maintain
21 the quality of life of Hawaii's older adults and their
22 family caregivers.



1 SECTION 7. (a) The kupuna care program, as administered
2 by the executive office on aging, may:

3 (1) Offer emergency, overnight, and weekend respite
4 services;

5 (2) Provide grants for home modifications that facilitate
6 aging in place pursuant to a care plan as part of a
7 cash and counseling approach; and

8 (3) Provide grants to family caregivers pursuant to a care
9 plan as part of a cash and counseling approach.

10 (b) The area agencies on aging may design their own
11 programs to implement the provisions of subsection (a).

12 SECTION 8. Act 213, Session Laws of Hawaii 2007, is
13 amended by adding a new section to part III to be appropriately
14 designated and to read as follows:

15 "SECTION . Provided that of the general fund
16 appropriation for the executive office on aging (HTH 904), the
17 sum of \$ or so much thereof as may be necessary for
18 fiscal year 2008-2009 shall be expended by the executive office
19 on aging for its kupuna care program."

20 SECTION 9. Act 213, Session Laws of Hawaii 2007, is
21 amended by amending part II, section 3, item F.26 to read as
22 follows:



| | | | | | |
|---|---|-----|------------|--------------|---------------------|
| 1 | "26. HTH904 - EXECUTIVE OFFICE ON AGING | | | | |
| 2 | | | 3.30* | | 3.30* |
| 3 | OPERATING | HTH | 6,370,552A | [6,119,214A] | <u> </u> A |
| 4 | | | 7.45* | | 7.45* |
| 5 | | HTH | 7,443,720N | | 7,443,720N |
| 6 | INVESTMENT CAPITAL | HTH | 250,000C | | C" |
| 7 | | | | | |

8 SECTION 10. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 11. This Act shall take effect on June 30, 2008;
11 provided that sections 5, 8, and 9 shall take effect on July 1,
12 2008.

13

INTRODUCED BY: *William J.*
Rosely H. Park
Elizabeth Chun Claliland
Norman Sotomayor
J. Alan Gish
Chris L...
Jim



Report Title:

Joint Legislative Committee on Family Caregiving; Kupuna Care; Appropriations

Description:

Extends the joint legislative committee on family caregiving; changes the committee's name to the joint legislative committee on aging in place; expands the committee's mandate to include aging in place issues related to family caregiving; requires the aging and disability resource center to report to the committee; requires the joint legislative committee to conduct a cash and counseling project; appropriates funds to the joint legislative committee; allows kupuna care to include overnight, weekend, and emergency respite, as well as provide grants to caregivers and for home modification; appropriates funds to the kupuna care program.

