

SB 2042
RELATING TO
CAREGIVING

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January 23, 2008

To: The Honorable Senator Suzanne Chun-Oakland, Chair
The Honorable Senator Les Ihara, Jr., Vice-Chair
Members of the Committee on Human Services and Public Housing

From: Rose Nakamura, Administrator, Project Dana

Subject: Testimony for SB 2042 Relating to Caregiving

Project Dana strongly supports SB 2042 Relating to Caregiving.

Aging in place is of utmost importance to Hawaii's Kupuna, as we enjoy the greatest longevity in the country.

SB 2042 includes appropriating funds to the Kupuna Care program, funding for the establishment of a committee to look at needs of family caregiving, a committee to conduct a cash and counseling project, consider various options for much needed respite overnight, weekend, and emergency respite, and grants to caregivers and for home modifications.

Kupuna Care: This program is so needed to assist homebound frail elders who are coping, often times struggling with personally managing their Activities of Daily Living (ADL's) and/or their Instrumental Activities of Daily Living (IADL's) to live independently in our community. Services which Kupuna Care provides are responses to basic needs that add to the quality of life for frail elders. Many seniors are isolated, and lonely and need some assistance in coping with daily living. These seniors would prefer to live at home and to "age in place", thereby avoid institutionalization.

Caregiving Services/Options: Caregiving is everybody's business and at some point in everyone's life, one will be forced with challenging caregiving responsibilities. Relief assistance and caregiving support are essential to avoid physical and emotional stress to both the caregiver and the frail elder.

Funding for SB 2042 from the State of Hawaii is imminent as Hawaii's older adult population has increased and will increase rather steadily. A larger percentage of Hawaii's population is comprised of those 60 years and older and funding to support these needs are very worthy of your strong consideration. Hawaii's elders need your sensitive support. Thank you very much.

TO: Senate Sergeant-At-Arms (VIA FAX 1/21/08-586-6659)
 For Senate Committee on Human Service and Public Housing, 1/24/08

Hawai'i Alliance for Retired Americans

An affiliate of the Alliance for Retired Americans
 c/o AFSCME · 888 Mililani Street, Suite 101 · Honolulu, Hawaii 96813

AFT Hawaii Retirees
 HGEA Retirees
 HSTA - Retired
 ILWU Retirees
 Kokua Council
 Machinists Union Retirees
 UPW Retirees
 ADA/Hawaii

(Submitted by fax to Senate Sergeant-At-Arms Office, 586-6659, January 21, 2008)

Joint statement of Al Hamai, President, and Carol Nitta, Legislative Committee
 Member, Supporting SB 2042, Relating to Caregiving

Hearing of the Senate Committee on Human Services and Public Housing

January 24, 2008, 1:30 p.m. Conference Room 016

Chair Suzanne Chun Oakland and Members of the Committee,

We are submitting testimony on behalf of the Hawaii Alliance for Retired Americans (HARA). HARA represents 17,000 retirees, members of the above organizations and individuals. We are a chapter of the Alliance for Retired Americans (ARA), a national advocacy organization for retirees.

HARA supports SB 2042 and considers this a high priority bill. The joint legislative committee on family caregiving has performed a great service to the legislature and to our community in identifying and seeking solutions to support the thousands of family caregivers, who daily take care of their loved ones. This bill extends the life of the joint committee and expands its role to include aging in place issues related to family caregiving and also appropriates funds to support family caregivers.

The members of the Joint Legislative Committee on Family Caregiving (JLCFC) are commended by HARA for working during the interim to achieve its responsibilities set forth in Act 204, SLH 2007. HARA supports HB 2042 and urges the Committee to approve it so it can be enacted into law. Mahalo.

Ke hana like nei na kupuna i 'oi loa a'e 'o Hawai'i
 Senior citizens working together for a better Hawai'i

**Testimony by:
Lucy Lessard, PT**

**SB2042, Caregiving
Senate HSP Committee
January 24, 2008 - 1:30 pm
Conference Room 016**



Position: Support

Chair Chun Oakland and Members of the Senate HSP Committee:

I am Lucy Lessard, P.T., member of the Hawaii Chapter – American Physical Therapy Association, and Chair of the Legislative Committee. The Hawaii Chapter – American Physical Therapy Association (HAPTA) is comprised of 300 member physical therapists and physical therapist assistants employed in hospitals and health care facilities, the Department of Education school system, and private practice. We are part of the spectrum of care for Hawaii, and provide rehabilitative services for infants and children, youth, adults and the elderly. Rehabilitative services are a vital part of restoring optimum functioning from neuromusculoskeletal injuries and impairments.

HAPTA applauds the joint legislative committee's hard work and ongoing discussions about aging and family caregiving, with emphasis on aging in place. We support this measure, in particular the appropriation of funds to continue the Kupuna Care program. Physical therapists have an inherent interest in maintaining the independent function of our elder citizens. It is our society's best interest to keep people functioning in their home and reserve long-term care beds for those who cannot function in their homes, with or without support services. Many of our elders rely on help from family and those outside services to maintain their quality of life in their own or family's homes.

The Kupuna Care program is central to the maintenance of function of those who are not completely independent. This is a program that is increasingly more necessary as our population ages and long-term beds are in acute shortage.

Please support this bill. Thank you for the opportunity to provide testimony.



Laura Manis Testifier

COMMITTEE ON HUMAN SERVICES AND PUBLIC HOUSING

Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair

Thursday, January 24, 2008 1:30 p.m. Conference Room 016

A G E N D A

SB 2042 RELATING TO CAREGIVING. 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

SUPPORT

This testimony is being submitted on behalf of Kokua Council whose mission includes advocating for the health of the elderly and those vulnerable populations who can not advocate for themselves.

We are pleased to support this bill for the following reasons. Changing the name of the task force acknowledges the reality that frailness includes being unable to do chores such as housekeeping, shopping, yard work, all of which enables people to stay at home. This will expand the scope of this very valuable committee and help relieve the pressure on caregivers as well as the burden on long term care facilities.

The other components of this omnibus bill cover existing gaps in services, such as

to one of the least of these [brethren], ye did it not to me. And these shall goe away into euerlasting punishment : but the righteous into eternall.

And it is written againe. So when they had dined, Iesus saith to Simon Peter, Simon, sonne of Iones, lovest thou mee more than

DEPARTMENT OF COMMUNITY SERVICES
CITY AND COUNTY OF HONOLULU

715 SOUTH KING STREET, SUITE 311 • HONOLULU, HAWAII 96813 • AREA CODE 808 • PHONE: 768-7762 • FAX: 768-7792

LATE TESTIMONY

MUFI HANNEMANN
MAYOR



DEBORAH KIM MORIKAWA
DIRECTOR

ERNEST Y. MARTIN
DEPUTY DIRECTOR

January 23, 2008

The Honorable Suzanne Chun Oakland, Chair
The Honorable Les Ihara, Jr., Vice Chair
and Members of the Committee on Human Services and Public Housing
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Chun Oakland, Vice Chair Ihara and Members:

Subject: Support of SB 2042, Relating to Caregiving

The Elderly Affairs Division is an Area Agency on Aging designated by the State Executive Office on Aging under the Older Americans Act of 1965. It is a focal point of aging programs and is mandated to plan, coordinate, advocate for and develop programs to meet the needs of older adults on Oahu. We strongly support SB 2042, Relating to Caregiving.

In Hawaii, adults age 60 and older comprise of over 17%, and this trend is expected to continue. By 2030, over one-quarter the state's population will be older adults. Hawaii has also surpassed the national life expectancy with the age 85 years and older increasing two-and-a-half times faster than the older population as a whole. Many older persons have chronic problems or need assistance with their care.

SB 2042 would assist the Executive Office on Aging in partnership with the Area Agencies on Aging to expand Kupuna Care services to include: emergency, overnight and weekend respite services; provide grants for home modifications that facilitate aging in place as part of a cash and counseling model; and provide funds directly to family caregivers as part of this cash and counseling approach. This Bill would also increase the operating budget for the Kupuna Care program.

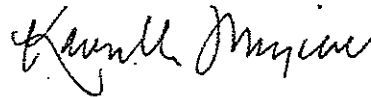
We also strongly support the inclusion of the Kupuna Care Program and Caregiver Support funds as part of the EOA's budget to reduce administrative costs of utilizing these funds and to maximize the framework of long-term care and caregiver services that already exist in each county. Funding would be available at the beginning at the fiscal year, not in the middle when released which involves a separate contract with the state, provider contract amendments and perhaps a new round of procurement and separate data collection and reporting. These steps are complex, time consuming, and greatly increase administrative costs at the state, county, and provider levels that can be better spent on program development and delivery.

The Honorable Suzanne Chun Oakland, Chair
The Honorable Les Ihara, Jr., Vice Chair
and Members of the Committee on Human Services and Public Housing
January 23, 2008
Page 2

In appropriating moneys to the Kupuna Care services, we are increasing the quality of life of older adults and reducing high medical costs.

We urge the committee to pass SB 2042. Thank you for the opportunity to submit this testimony.

Sincerely



Karen K. Miyake
County Executive on Aging
Elderly Affairs Division

CY:ab

cc: Office of the Mayor



LATE TESTIMONY

**To: Senate Committee on Human Services and Public Housing
Sen. Suzanne Chun Oakland, Chair**

**Date: January 24, 2008
Conference Room 016
1:30 pm**

Re: SB 2047 RELATING TO TAXATION

Chair Chun Oakland and Members of the Committee:

My name is Ed Thompson and I am the Associate State Director for Advocacy for AARP Hawaii. We are a membership organization for people 50 and older with 156,000 members in Hawaii. AARP provides access to services and information, meaningful volunteer opportunities, and the opportunity for our members to create positive change in their lives.

AARP supports SB 2047 which provides the means to establish a tax credit for certain home improvements designed to increase accessibility for handicapped and elderly individuals. It is our belief that creation of such a credit would encourage and enable homeowners to find the help they need to make the proper modifications and to do so in a more affordable manner. Here are a few basic facts:

- In 2000, individuals 60 + represented 17% of the total population and by 2020 it is estimated that individuals 60 and over will comprise 25% of Hawaii's total population.
- Hawaii is experiencing an acute housing shortage.
- In 2003, the occupancy rate for long term care facilities was 93%.
- In a recently completed survey of Hawaii residents 18 and older commissioned by AARP Hawaii, 80% of respondents said it is very important to be able to stay at home for as long as possible and to receive long term care services in their home.

Aging in place is the preferred housing option for the vast majority of our older residents. However, a number of barriers hinder efforts to make this a viable alternative. These barriers include excessive housing expenditures, inadequate home maintenance, and a low rate of home modifications to accommodate health and mobility limitations. SB 2047 will help to remove some of these barriers.

Thank you for the opportunity to testify before your committee on behalf of our 156,000 Hawaii members.

TO: SENATE COMMITTEE ON HUMAN SERVICES AND PUBLIC HOUSING
Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Vice Chair

FROM: PAT SASAKI

RE: SB 2042, RELATING TO CAREGIVING

HEARING: THURSDAY, JANUARY 24, 2008
STATE CAPITOL, CONFERENCE ROOM 016
1:30PM

POSITION: SUPPORT

My name is Pat Sasaki. I am testifying in support of S.B. No. 2042, Relating to Caregiving.

Mahalo to Hawaii Legislators for sustaining your commitment to the issues and needs of Hawaii's fast-growing older population. From the plight of children lacking responsible parents to the day-to-day economic struggles of working families, older adults play critical roles in the lives of Hawaii's citizens.

Supporting the aging network of services means providing just that bit of extra help that sustains a family's ability to function and avoid abandoning or neglecting older adult family members.

Older adults themselves keep many of Hawaii's families going. They share their life savings to help pay for living and education expenses. They provide childcare for working parents that includes transportation, feeding, and nurturing. They are also the ones who assume child-raising responsibilities and costs when parents are absent or incapable.

I urge your passage of S.B. No. 2042. Thank you for the opportunity to testify.

TO : SENATE COMMITTEE ON HUMAN SERVICES AND PUBLIC HOUSING
Sen. Suzanne Chun Oakland, Chair
Sen. Les Ihara, Jr., Vice Chair

FROM: Eldon L. Wegner, Ph.D.,
PABEA (Policy Advisory Board for Elder Affairs)

SUBJECT: SB 2042 Relating to Caregiving

HEARING: 1:30 pm Thursday, January 24, 2008
Conference Room 016, Hawaii State Capitol

PURPOSE: An omnibus bill to support the work and recommendations from the Joint Task Force on Family Caregiving, including broadening the name to "Aging in Place" and the scope to include aging in place issues related to family caregiving; requires the Aging and Disability Resource Center to report to the taskforce; undertakes to develop a cash and counseling project; expands kupuna care to include overnight, weekend and emergency respite and grants to caregivers for home modification; and appropriates funds to Kupuna Care.

POSITION: PABEA STRONGLY SUPPORTS THE CONTINUED WORK OF THE JOINT TASKFORCE AND SUPPORTS ITS RECOMMENDATIONS.

RATIONALE:

I am offering testimony on behalf of PABEA, the Policy Advisory Board for Elder Affairs, which is an appointed board tasked with advising the Executive Office on Aging (EOA). My testimony does not represent the views of the EOA but of the Board. I am also a professor of medical sociology at UH-Manoa who has worked with elderly services in Hawaii for more than 20 years.

- § PABEA is grateful for the dedicated work of the Joint Taskforce for undertaking to develop a comprehensive set of policies to support family caregiving and aging in place. The growing elder population and the need to support families and minimize reliance on institutions make this a critical area for increased policies and programs for the state;
- § The Aging and Disability Resource Center is an exciting restructuring to create a single-access system and to integrate aging and disability services. The development of these centers by our counties needs to be coordinated with the work of the Taskforce;
- § Medicaid waiver cash and counseling programs have shown themselves to be successful in other states, through providing financial assistance along with consumer education to increase consumer direction over care. The recommendation is to create a program which would provide some financial assistance to low income, non-Medicaid caregivers in Hawaii.

- \$ Extends the Kupuna Care program to provide overnight, weekend, and emergency respite services. An inventory of respite services in the state conducted for the Joint Taskforce showed that this was an urgent need in providing support to family caregivers;
- \$ Extends the Kupuna Care program to provide grants to caregivers for home modification. In some instances, home modification will enable persons to remain safely in their own homes.
- \$ Finally, this bill will also appropriate additional funds to the Kupuna Care program in order to address the waitlist for services and to extend services to support caregivers and aging in place.

Thank you for allowing me to testify.

The Twenty-Fourth Legislature
Regular Session of 2008

THE SENATE
Committee on Human Services and Public Housing
Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair

State Capitol, Conference Room 016
Thursday, January 24, 2008; 1:30 p.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 2042
RELATING TO CAREGIVING**

The ILWU Local 142 supports S.B. 2042, which is an "omnibus" measure related to "aging in place" issues, including family caregiving and Kupuna Care, and extends the Joint Legislative Committee on Family Caregiving while changing its name to the committee on "Aging in Place."

As the need to plan for our aged population increases, the importance of the Joint Legislative Committee on Family Caregiving becomes more and more apparent. The first "baby boomers" will turn 65 in less than five years. Hawaii may not be ready for the large increase of older residents, especially the huge number of those over the age of 80.

The Joint Legislative Committee is attempting to address the needs of Hawaii's aged population, but its work is not finished. Support for family caregivers is needed, not just for respite but for financial assistance in the form of "cash and counseling" programs. Funding for Kupuna Care needs to be increased. The problems of aging and caring for the aged must be addressed.

The ILWU urges passage of S.B. 2042. However, we also urge that the Legislature consider a source of funding for these programs to assist the aged. A tax earmarked for caregiving programs and Kupuna Care may be what is needed.

Thank you for considering our views on this matter.

Hawaii Aging Advocates Coalition

Testimony to the Senate Committee on Human Services and Public Housing
Thursday, January 24, 2008
Conference Room 016; 1:30pm

RE: S.B. No. 2042, RELATING TO CAREGIVING.

Chair Chun Oakland, Vice Chair Ihara, and Members of the Committee,

My name is Wes Lum and I am testifying on behalf of the Hawaii Aging Advocates Coalition (HAAC). **HAAC strongly supports this measure.**

This bill reflects many of the recommendations of the Joint Legislative Committee on Family Caregiving (Committee). In making its recommendations, the Committee examined the research and data provided by the studies conducted during this past legislative interim, and focused on addressing the immediate needs of family caregivers, as well as facilitating the development of a comprehensive, community based family caregiver support system.

We applaud the Committee for its excellent and thorough work, and for submitting a final report that was done well.

HAAC strongly supports this measure and asks for your favorable consideration. Thank you for the opportunity to testify.

ending
Organizations

City & County
of Honolulu
Elderly Affairs
Karen Miyaki
Craig Yamaguchi

City & County
of Honolulu
Service Providers
Tony Wong

FACE
Stan Bain
Jim Howell

Hawaii Caregiver
Coalition
Tony Lenzer

HARA
Al Hamai
Bruce McCullough

Hawaii County
Office on Aging
Alan Parker
Lito Asuncion

Hawaii County
Service Providers
Ira Nakaji

JACOSA
Lyn McNeff

Kauai Agency on
Elderly Affairs
Kealoha Takahashi

Kokua Council
Larry Geller

Maui County
Office on Aging
John Tomoso

Maui County
Service Providers
Kathy Louis

Maui Long Term
Care Partnership
Rita Barreras

PABEA
Gary Simon
Eldon Wegner

Co-Conveners
Wes Lum
Hawaii Caregiver
Coalition

ry Mattson
Kokua Council



CATHOLIC CHARITIES HAWAII

TO: Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Committee on Human Services and Public Housing

FROM: 
Diane M. Terada, Division Administrator

DATE: Thursday, January 24, 2008 (1:30 p.m., Room 016)

RE: **Support of SB 2042, Relating to Caregiving**

Catholic Charities Hawaii (CCH), is a tax exempt, non-profit agency that has been providing social services in Hawaii for over 60 years. The Agency has also been providing supportive home and community based services to elders since 1973 and currently serves approximately 5,000 older persons each year. **We strongly support SB 2042, Relating to Caregiving, with the following recommendation regarding Part III (Kupuna Care):**

- **Catholic Charities Hawaii recommends that the additional Kupuna Care funding be adequate to fund EXISTING Kupuna Care services as well as the NEW services of emergency/weekend/evening respite and home modification (and cash & counseling approach), which this bill adds to the Kupuna Care program.**

Catholic Charities Hawaii has provided transportation and housekeeping services, both State-funded Kupuna Care Services, for a number of years. In addition, we have been partners with other aging network providers who also provide essential State-funded Kupuna Care Services such as home-delivered meals, case management, bathing service and more.

State-funded Kupuna Care currently funds a set of basic, essential services that help frail elders remain independent and avoid institutionalization or homelessness. In addition, these services support family caregivers who are providing support to frail elderly relatives who still want to maintain their independence but require supportive services, from family and the community, in order to do so.

Some of the challenges that Catholic Charities Hawaii faces in providing State-funded Kupuna Care Services include:

- **Flat or reduced Federal funding** for elderly services.
- **Continued wait list for Housekeeping Services** which means elders who may be at risk of eviction must wait for several months in order to receive services.



- **Increased gas expense** which hampers our ability to provide transportation that enables seniors to access needed services. This particularly impacts our ability to serve rural elders who need to get to medical and other appointments in town.

The Consequences of Not Providing More Funding for State Kupuna Care Services

- **Wait lists will grow.** The longer that elders must wait for service, the greater the risk that their will **lose their ability to live independently in a safe, dignified environment.**
- **The alternative is institutionalization** at a cost of approximately \$7,000 a month per person. **Additional funding of \$750,000 for State Kupuna Care will provide additional services for hundreds of seniors. This same amount could only support about nine elders in nursing homes for a year.** The cost of institutional care will eventually be a burden on taxpayers and government since State-funded Kupuna Care program targets those in greatest need.

Catholic Charities Hawaii asks for your support of SB 2042, Relating to Caregiving. Thank you.

TO: Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Committee on Human Services and Public Housing

DATE: Thursday, January 24, 2008 (1:30 p.m., Room 016)

RE: Support of SB 2042, Relating to Caregiving

I am 64 years old and use the **TRANSPORTATION** service of Catholic Charities Hawaii, which is partially funded through the State Kupuna Care Program.

Please help Hawaii's growing population of Kupuna by providing ADDITIONAL FUNDING FOR KUPUNA CARE SERVICES, SUCH AS:

- Transportation
- Housekeeping
- Home-delivered meals
- Case Management
- Adult day care
- Attendant care
- Bathing services
- Respite services

I need TRANSPORTATION because:

I do not drive & I can't make the bus to my U.A. & Doctor's Appointments.

If I did NOT HAVE TRANSPORTATION:

I'll have no way to get my Doctor's U.A. Appointments.

Please make additional Kupuna Care funding a priority so that seniors like me can remain independent in the community. Thank you.

Sincerely,

Name:

Robert P. Jones

Address:

94-630 Halelo St
Wahiawa HI 96797-5265

TO: Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Committee on Human Services and Public Housing

DATE: Thursday, January 24, 2008 (1:30 p.m., Room 016)

RE: Support of SB 2042, Relating to Caregiving

I am 86 years old and use the **TRANSPORTATION** service of Catholic Charities Hawaii, which is partially funded through the State Kupuna Care Program.

Please help Hawaii's growing population of Kupuna by providing ADDITIONAL FUNDING FOR KUPUNA CARE SERVICES, SUCH AS:

- ⓪ **Transportation**
- Housekeeping
- Home-delivered meals
- Case Management
- Adult day care
- Attendant care
- Bathing services
- Respite services

I need TRANSPORTATION because:

My legs have become unsteady. use cane now

IF I did NOT HAVE TRANSPORTATION:

I couldn't participate at Hanakula ^{ctr.} or get to doctors, etc.

Please make additional Kupuna Care funding a priority so that seniors like me can remain independent in the community. Thank you.

Sincerely,

Name: Anita T. Hasegawa

Address: 1828 Young St, Han. 96826
#208

TO: Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Committee on Human Services and Public Housing

DATE: Thursday, January 24, 2008 (1:30 p.m., Room 016)

RE: Support of SB 2042, Relating to Caregiving

I am 82 years old and use the **TRANSPORTATION** service of Catholic Charities Hawaii, which is partially funded through the State Kupuna Care Program.

Please help Hawaii's growing population of Kupuna by providing **ADDITIONAL FUNDING FOR KUPUNA CARE SERVICES, SUCH AS:**

- Transportation ✓
- Housekeeping
- Home-delivered meals
- Case Management
- Adult day care
- Attendant care
- Bathing services
- Respite services

I need TRANSPORTATION because:

I have hard time walking. I use a walker for walking

If I did NOT HAVE TRANSPORTATION:

I have to take taxi for my transportation and it is very expensive. I use Catholic Charities Hawaii when I go to the doctor ^{see}

Please make additional Kupuna Care funding a priority so that seniors like me can remain independent in the community. Thank you.

Sincerely,

Name: EDNA M. TAKESHITA

Address: 810 GREEN ST. APT. B

HON. HAWAII, 96813



The Voice of Small Business®

**Before the Committee on
Human Services and Public Housing**

DATE: January 24, 2008

TIME: 1:30 p.m.

PLACE: Conference Room 016

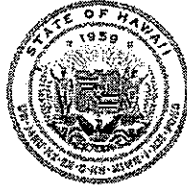
**Re: SB 2042 Relating to Caregiving
Testimony of NFIB Hawaii**

This testimony is presented on behalf of the National Federation of Independent Businesses (NFIB) with respect to SB 2042 Relating to Caregiving.

NFIB is the largest advocacy organization representing small and independent businesses in Washington, D.C. and all 50 state capitols, with more than 1,000 members in Hawaii and 600,000 members nationally. NFIB members are a diverse group consisting of high-tech manufacturers, retailers, farmers, professional service providers and many more.

NFIB agrees that caregiving is an important issue, with the potential to affect many businesses as well as families. We are concerned that wage replacement that may be available to employees potentially places an administrative burden on employers who must collect and then remit these contributions. We take no position on this bill but want to continue to have a place in this important discussion. We are opposed to legislation that would place additional financial or administrative burden on business, particularly small businesses.

841 Bishop Street, Suite 1628, Honolulu, Hawaii 96183



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
919 ALA MOANA BOULEVARD, ROOM 113
HONOLULU, HAWAII 96814
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
January 24, 2008

The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services and Public Housing
Twenty-Fourth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Senator Chun Oakland and Members of the Committee:

SUBJECT: SB 2042 – RELATING TO CAREGIVING

The position and views expressed in this testimony do not represent nor reflect the position and views of the Departments of Health and Human Services.

The State Council on Developmental Disabilities (DD) **SUPPORTS SB 2042**. The purpose of SB 2042 is to: 1) extend the work of the Joint Legislative Committee on Family Caregiving (JLCFC) for one year and appropriates funds for the Committee; 2) change the name of the joint legislative committee to the joint legislative committee on aging in place and expand the Committee's mandate and focus to include aging in place issues; 3) require the Aging and Disability Resource Center to provide an update on the physical site in Hawaii County and the "virtual" site in Honolulu City and County; 4) requires a cash and counseling project to be conducted; 5) appropriates funds to the kupuna care program and allows kupuna care to include overnight, weekend, and emergency respite, and grants to caregivers for home modifications.

The JLCFC created by Act 285, SLH 2006, was established to address the needs of family caregivers who provide unpaid, informal assistance to a person 60 and older with physical or cognitive disabilities or a grandparent who is a caregiver for a grandchild 18 or younger or 19 or older with physical or cognitive limitations. Act 204, SLH 2007, allowed the JLCFC to continue its work during the 2007 Interim and report to the Legislature. Special Committee Report Number 1 provides the background to the JLCFC; a summary of the studies and surveys conducted, including the Family Caregiver Needs Assessment; and the findings and recommendations of the Committee.

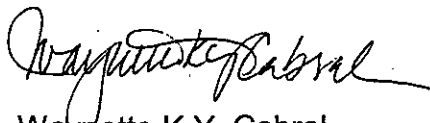
The Honorable Suzanne Chun Oakland
Page 2
January 24, 2008

The Council believes that family caregiving plays a crucial role in addressing the needs of the increasing elder and disability populations needing long-term care services and supports in the community and supports the efforts of the JLCFC to continue to develop a support system for family caregivers that includes: coordinated services and policies, training and education, respite services, financial incentives, policies on balancing work and caregiving, and a paid family leave program for family caregivers who take time off from work to care for a seriously ill family member.

The Council is a member of the Hawaii Caregiver Coalition, the JLCFC, and the Aging and Disability Resource Center Advisory Council and looks forward to continued involvement in efforts to provide support for family caregivers providing care for their family members in need of long-term care and/or supports in the community.

We appreciate the opportunity to present testimony in support of **SB 2042**.

Sincerely,

A handwritten signature in black ink, appearing to read "Waynette K.Y. Cabral". The signature is fluid and cursive, with a long horizontal stroke at the end.

Waynette K.Y. Cabral
Executive Administrator



**TESTIMONY OF THE STATE ATTORNEY GENERAL
TWENTY-FOURTH LEGISLATURE, 2008**

ON THE FOLLOWING MEASURE:

S.B. NO. 2042, RELATING TO CAREGIVING.

BEFORE THE:

SENATE COMMITTEE ON HUMAN SERVICES AND PUBLIC HOUSING

DATE: Thursday, January 24, 2008 **TIME:** 1:30 PM

LOCATION: State Capitol, Room 016
Deliver to: Committee Clerk, Room 226, 1 copy

TESTIFIER(S): Mark J. Bennett, Attorney General
or Andrea J. Armitage, Deputy Attorney General
or Russell Suzuki, Deputy Attorney General

Chair Chun Oakland and Members of the Committee:

The section of this bill giving responsibility for a cash and counseling program to the Joint Legislative Committee on Aging in Place violates the separation of powers doctrine and is therefore unconstitutional.

Section 4 of the bill requires the Joint Legislative Committee on Aging in Place to conduct a cash and counseling project. It allows the joint committee to contract with a consultant to design a cash and counseling program. Section 5 of the bill appropriates moneys from the general fund to the joint committee to fund the cash and counseling project pursuant to section 4. These provisions are unconstitutional in that they violate the doctrine of separation of powers.

The legislative and executive branches have distinct roles in the budget and appropriation process. Under the State Constitution, the authority to appropriate moneys for the working of state government rests with the Legislature. Once the appropriations bill has been enacted and the fiscal year begins, the legislative work is completed and it then becomes the responsibility of the executive branch to implement the budget. An instructive case is Communications Workers of America, AFL-CIO v. Florio, 130 N.J. 439, 617 A.2d 223 (1992). In that

case, the Supreme Court of New Jersey held: "Although the Legislature may appropriate and dictate, if it desires, the services and positions designated for such appropriation, there is one thing the Legislature cannot do. It cannot exercise the functions of the executive. It cannot administer the money after it has been once appropriated." Id. at 462, 617 A.2d at 235 (internal quotation marks, brackets, and citations omitted). While the power to appropriate moneys is a legislative function, the power to expend and manage those appropriations is an executive function.

Therefore, appropriating funds to the joint committee so that it may create a cash and counseling project would violate the separation of powers doctrine. Responsibility for implementing a cash and counseling project is more properly within the realm of the executive branch. The project should be placed within an appropriate agency in that branch, with the appropriated funds to be expended by that agency.

Aloha,

We wish to see the following language added to the Bills below:

SB 2042 Add to end of the last sentence "...including the use of home health technologies."

SB 2047 Add to the end of the last sentence "...and tax credit for taxpayers who utilize home health technologies in their homes to assist them to age in place."

SB 2049 Add to the end of the last sentence "...or who use home health technologies in their homes to assist them to age in place."

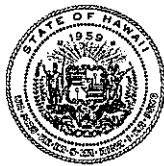
Thank you,

Peter Durkson, Chairman
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Maui, Hawaii
(808) 250-2216

Peter Durkson [duroy@earthlink.net]

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Committee on Human Services & Public Housing

SB 2042, RELATING TO CAREGIVING

**Testimony of Noemi Pendleton
Director of Executive Office on Aging
Attached Agency to Department of Health**

Thursday, January 24, 2008

1:30 p.m.

1 **Department's Position:** The Executive Office on Aging (EOA) supports the intent of SB 2042 as
2 long as it does not adversely affect the Executive supplemental budget priorities.

3 **Fiscal Implications:** There is an unspecified amount of general funds to be appropriated to the
4 Senate and House of Representatives to contract with a qualified consultant to conduct a cash and
5 counseling project and to EOA to expand the KUPUNA CARE program for State Fiscal Year
6 2008- 2009.

7 **Purpose and Justification:** SB 2042 extends the Joint Legislative Committee on Family
8 Caregiving; changes the committee's name to the Joint Legislative Committee on Aging in Place;
9 expands the committee's mandate to include aging in place issues related to family caregiving;
10 requires the Aging and Disability Resource Center to report to the committee; requires the Joint
11 Legislative Committee to conduct a Cash and Counseling project; appropriates funds to the Joint
12 Legislative Committee; allows KUPUNA CARE to include overnight, weekend, and emergency
13 respite, as well as provide grants to caregivers and for home modification; appropriates funds to
14 the KUPUNA CARE program.

1 EOA appreciates this proposal. Through Act 204, SLH 2007, EOA had contracted with the
2 University of Hawaii to coordinate family caregiver support services and policies statewide. We
3 are pleased to have worked in partnership with the University, the Joint Legislative Committee,
4 and community stakeholders to have contributed to the research that was cited in this bill.
5 Additionally, we will continue to work together to strengthen and expand KUPUNA CARE services
6 to meet the needs of Hawaii's older adults and their family caregivers. It should be noted that Act
7 204, SLH 2007, already appropriated an additional \$525,000 to EOA for Kupuna Care services in
8 fiscal year 2008-2009.
9 EOA respectfully requests that on page 10, lines 8 thru 10, be deleted as this practice referred to as
10 cost share started in 1999 but was eliminated in 2005. Also, we ask that on page 10, line 11, the
11 word "donations" be changed to "contributions" as stated in Title III. Lastly, we request that page
12 13, lines 10 thru 11 be deleted as the Older Americans Act states that the state units on aging are
13 the lead in designing statewide programs.

14 Thank you for the opportunity to testify.



OFFICE OF HAWAIIAN AFFAIRS
Legislative Testimony

SB 2042 RELATING TO CAREGIVING

Senate Committee on Human Services and Public Housing

January 24, 2008

1:30 p.m.

Room 016

The Office of Hawaiian Affairs is providing testimony in strong support of SB 2042. Our interest in this issue is primarily based on our concerns that 52% of the children placed in foster care in Hawai'i are of Native Hawaiian ancestry, and that Hawaiian grandparents are assuming more responsibility as the primary caregivers for their grandchildren.

In Hawaii, more than fourteen thousand Hawaiian grandparents have assumed this caregiving role. It is a cultural practice of Native Hawaiians to care for their family members, especially when it involves minor children. It is an endearing custom in Hawaii for grandparents or "Kupuna" to raise or "hanai" their grandchildren or "mo'opuna." Such a practice can start as early as the birth of the child and may continue well through young adulthood. Stability, security, nurturing, and cultural identity all occur within the context of an extended family by blood or marriage that knows and is connected to the child. This practice is accepted as responsibility or "kuleana" by the grandparent and is undertaken with genuine love and commitment to the child's well-being.

Native Hawaiian grandparents will provide protection and guidance. In addition, they will pour their knowledge and wisdom of life into the hanai process with their grandchildren. As such, the basic necessities of the child are met but deeper qualities of living are passed on and preserved for generations. These intrinsic Hawaiian values make for stronger Native Hawaiian families and by extension, stronger communities.

However, in today's society, these new responsibilities place great emotional and financial stresses on many grandparents. Yet, these grandparents go unacknowledged and worse, unsupported by government policies and services that are conducive to maintaining these familial relationships. For example, the Hawaii Statutes currently relating to elderly housing penalize grandparents who choose to raise their minor grandchildren. These adults are usually on a fixed income and may have one or more health conditions. They live in elderly housing in order to survive and make ends meet. Elderly relative caregivers to minor children need assurance of knowing their housing is secure so that they can focus on tending to the needs of children entrusted to their care.

Because of these concerns, OHA has addressed these issues in several ways. Over the past three years, OHA has participated on the Governor's Advisory Board on Native Hawaiian Foster Parents as a means to advocate for policy changes that will support the efforts of these grandparents to keep their families intact.

We also provide community grants to the following: Kokua Ohana, a program of the non-profit organization, Partners in Development (PID), that is actively recruiting and providing support services to Native Hawaiian foster parents; Hawai'i Family Services, Inc., an organization that provides support services to Native Hawaiian grandparents who are caring for grandchildren on the Leeward Coast of O'ahu; ALU LIKE, Inc.'s E Ola Pono No Na Kupuna Program that provides transportation, social/cultural activities, and meals to kupuna statewide; and PID's Tutu and Me Program, which also provides transportation and support services to kupuna.

OHA has also been in contact with Native Hawaiian families of incarcerated individuals or "Pa'ahao." When a parent is incarcerated, it often impacts families with minor children. These families experience a wide range of stresses that include emotional, financial, mental and medical challenges. We are aware that many of these families move in with grandparents or bring

them into their homes to assist with the care of the children. In extreme cases where the biological parent or adoptive parents are unwilling or unable to serve as the primary caregiver for the child, grandparents become the next, and sometimes only, option for care-giving.

From our experiences, we believe stable housing, financial support, and respite services are the greatest needs of the grandparents, with affordable, stable housing being of the utmost priority. Several years ago, OHA addressed the housing problem of elderly Hawaiians by contributing \$3.75 million towards the development of the Kulanakauhale Maluhia O Na Kupuna, also known as Waimanalo Kupuna Housing, a project developed by the Department of Hawaiian Homelands. Unfortunately, in 2005, OHA's Human Services staff had to provide advocacy support to an elderly household with a minor child that was confronted with an eviction from the housing because of the child's presence in the apartment. Response to unmet family needs brought this grandchild and grandparent together into the grandmother's home. Sadly, though we were able to stave off the eviction of the grandparent, she had to be separated from her grandchild. This kind of outcome only inflicts unnecessary suffering for all involved and may eliminate viable options for kinship foster placement.

OHA considers solutions to these problems faced by grandparents to be of utmost importance and feels that the extension of the joint legislative committee is needed to continue the focus on exploring problem-centered solutions. We are also very supportive of the bill because in addition to the committee's extension, it provides for policy changes and funding support to improve and expand kupuna care programs.

Mahalo nui loa for the opportunity to
present testimony.