

# SB 2137

Measure Title: RELATING TO MEDICAID.

Report Title: Medicaid Home and Community-Based Waiver Programs; Family Member

Description: Requires medicaid home and community-based waiver programs to allow family members hired and directed by the waiver program individual to provide specific approved in-home care services to the individual.

Companion:

Package: None

Current Referral: HMS, WAM

Introducer(s): CHUN OAKLAND (BR)



STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 2, 2012

TO: The Honorable Suzanne Chun Oakland, Chair  
Senate Committee on Human Services

FROM: Patricia McManaman, Director

SUBJECT: **S.B. 2137 - RELATING TO MEDICAID**

Hearing: Thursday, February 2, 2012; 1:15 p.m.  
Conference Room 016, State Capitol

**PURPOSE:** The purpose of this bill is to require medicaid home and community-based waiver programs to allow family members hired and directed by the waiver program individual to provide specific approved in-home care services to the individual..

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) respectfully opposes this bill as it is unnecessary and could create a future barrier to federal compliance.

DHS has already included the definition of "family members" allowed to provide services for their family member in its Centers for Medicare and Medicaid Services (CMS) approved Medicaid waiver documents. The "family members" as stated in this bill are currently able to provide and be paid for care to eligible Medicaid recipients under the QUEST Expanded Access (QExA) and the Developmentally Disabled/Intellectually Disabled Home & Community Based waiver programs.

Should DHS need to change the definition of “family member” in the approved waivers due to changes in federal regulations, it could result in the Department having to cover the in-home services without receiving the federal matching dollars until the State statute can be revised.

Thank you for the opportunity to testify on this measure.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 29, 2012 4:23 PM  
**To:** HMS Testimony  
**Cc:** Tlenzer@hawaii.rr.com  
**Subject:** Testimony for SB2137 on 2/2/2012 1:15:00 PM

Testimony for HMS 2/2/2012 1:15:00 PM SB2137

Conference room: 016  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Anthony Lenzer  
Organization: Policy Advisory Board for Elder Affairs  
E-mail: [Tlenzer@hawaii.rr.com](mailto:Tlenzer@hawaii.rr.com)  
Submitted on: 1/29/2012

**Comments:**

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

My name is Anthony Lenzer. I am testifying in strong support of SB 2137 on behalf of the Policy Advisory Board for Elder Affairs (PABEA), the Board which advises the Executive Office on Aging (EOA). My testimony reflects only the views of the Board itself.

For many years, PABEA has supported the principle of giving elders (and others) who need personal care and other assistive services the right to determine which services are best for them, and who can best provide such services. For many elders, family members are seen as the "natural" helpers, as opposed to paid professionals. And in many situations, family members would be available to provide more help than they now do, if they could be paid for their work. Unfortunately, programs such as Medicaid have had rules against allowing family members to be reimbursed from public funds for providing caregiving to Medicaid recipients. SB 2137 changes this, and allows Medicaid recipients to hire and pay a wide range of "family" members for giving appropriate supportive services.

In this connection, I call your attention to EOA's new Community Living Program. This is a small pilot project, in which elders receive a monthly sum, which allows them to choose services, and hire, train and manage helpers including family members. Recipients have both a coach and a financial manager to help them. This is one model the State may want to review as it expands its client-directed services.

Thank you for the opportunity to testify on this Bill.



## **HAWAII DISABILITY RIGHTS CENTER**

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### **THE SENATE THE TWENTY-SIXTH LEGISLATURE REGULAR SESSION OF 2012**

#### **Committee on Human Services Testimony in Support of S.B.2137 Relating to Medicaid**

**Thursday, February 2, 2012, 1:15 P.M.  
Conference Room 016**

Chair Chun-Oakland and Members of the Committee:

I am Louis Erteschik, Acting Executive Director at the Hawaii Disability Rights Center, and am testifying in support of this bill.

The concept of paying family members to be caregivers makes a lot of sense. Certainly, nothing compares to being cared for by a loved one, and even a well trained worker cannot provide the same intangible level of care. We have seen in some cases that family members work outside the home and so the result is that another individual is paid to come into the home and provide the care. In the scenario where that is occurring, it may literally be cheaper, as well as a higher quality, to simply pay the family member directly to provide the care.

In the DD Waiver, we have seen good experiences with the use of the "Consumer Directed" model whereby DD recipients can in fact hire family members to be their Personal Assistants. This has been a very cost effective program and we believe that this concept is worth expanding to other Medicaid programs.

Thank you for the opportunity to testify in support of this measure.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 10:21 AM  
**To:** HMS Testimony  
**Cc:** Brenda.Kosky@gmail.com  
**Subject:** Testimony for SB2137 on 2/2/2012 1:15:00 PM

Testimony for HMS 2/2/2012 1:15:00 PM SB2137

Conference room: 016  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: Brenda Kosky  
Organization: Consumer Family & Youth Alliance  
E-mail: [Brenda.Kosky@gmail.com](mailto:Brenda.Kosky@gmail.com)  
Submitted on: 1/31/2012

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 29, 2012 12:28 PM  
**To:** HMS Testimony  
**Cc:** robertscottwall@yahoo.com  
**Subject:** Testimony for SB2137 on 2/2/2012 1:15:00 PM

Testimony for HMS 2/2/2012 1:15:00 PM SB2137

Conference room: 016  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: Scott Wall  
Organization: Individual  
E-mail: [robertscottwall@yahoo.com](mailto:robertscottwall@yahoo.com)  
Submitted on: 1/29/2012

Comments: