



GOV. MSG. NO. 974

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

June 21, 2007

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 21, 2007, the following bill was signed into law:

SB1916 SD2 HD3 CD1

A BILL FOR AN ACT RELATING TO CAREGIVING.  
(ACT 204)

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Aiona, Jr.".

JAMES R. AIONA, JR.  
Acting Governor



1 outlining its proposal for the establishment of a comprehensive  
2 and sustainable, community-based family caregiver support system  
3 that will maximize resources in all communities. However, it is  
4 still necessary to gather more information on this subject to  
5 enable the State to apply resources and services in a more  
6 efficacious manner. The committee should be extended to enable  
7 it to continue work on its proposal for the establishment of a  
8 comprehensive and sustainable, community-based family caregiver  
9 support system.

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

20 The national family caregiver support program under the  
21 reauthorized Older Americans Act includes grandparents of  
22 grandchildren age eighteen years and younger or nineteen years



1 of age or older with physical or cognitive limitations.  
2 Grandparents who are caregivers experience similar support needs  
3 and caregiving costs as do family caregivers who provide unpaid,  
4 informal assistance to older adults with physical or cognitive  
5 disabilities. Custodial grandparenting has emotional, physical,  
6 and financial costs. Custodial grandparents report more  
7 anxiety, depression, and physical health problems than their  
8 non-caregiving peers, and they need accurate and accessible  
9 information on a myriad of issues.

10 A crucial element in the design and implementation of a  
11 comprehensive and sustainable, community-based family caregiver  
12 support system is an assessment of the needs of family  
13 caregivers and the care recipients. A thorough needs assessment  
14 is imperative to appropriately encourage, support, and  
15 strengthen the provision of family caregiving.

16 The delivery of long term care in Hawaii and, indeed,  
17 throughout the United States is fragmented and uncoordinated.  
18 As a result, frail and disabled persons of all ages have  
19 difficulty in getting information about existing services, and  
20 in obtaining appropriate assistance. In 2005, Hawaii received a  
21 federal grant to develop an aging and disability resource center  
22 program. This program is designed to help family caregivers and



1 older and disabled adults find the information they need  
2 regarding available options for care. To date, an aging and  
3 disability resource center is under development in the county of  
4 Hawaii, and a "virtual" site is planned for the city and county  
5 of Honolulu. Additional funds are needed to fully develop this  
6 program.

7 Family caregivers who provide care to recipients with  
8 chronic or disabling conditions are themselves at risk for  
9 physical, emotional, and financial problems. The daily  
10 challenges and health risks that family caregivers face can  
11 impede the family caregiver's ability to provide care, lead to  
12 higher health care costs, and affect the family caregiver's  
13 quality of life and the quality of life of the care recipient.

14 For many family caregivers, their role as family caregiver  
15 arises as suddenly as the care recipient's health declines,  
16 leaving family caregivers with an immediate need for services,  
17 but little preparation or education regarding who to contact for  
18 assistance or what services are available to them. In addition,  
19 the family caregivers may not know who is capable or qualified  
20 to provide them with the services that they or the care  
21 recipients need. Family caregivers themselves need support  
22 services, including respite services and training, education,



1 and counseling in areas such as caregiving and dealing with  
2 end-of-life issues.

3 Kupuna care is a statewide long-term care program,  
4 administered by the executive office on aging, which was  
5 developed in partnership with the county area agencies on aging  
6 to address the growing numbers of elders with long-term care  
7 needs. Services provided by kupuna care are intended to help  
8 meet the needs of older adults who cannot live at home without  
9 adequate help from family or formal caregiving services, and  
10 include services such as adult day care, respite care, assisted  
11 transportation, attendant care, case management, chore, home  
12 delivered meals, homemaker, transportation, and personal care.  
13 In addition to the services provided to the elderly, direct  
14 services to family caregivers can be provided to educate and  
15 assist family caregivers in coping with their roles as a  
16 caregiver.

17 Under Act 262, Session Laws of Hawaii 2006, the executive  
18 office on aging is required to coordinate a statewide system of  
19 caregiver support services. An appropriation should be made to  
20 assist the executive office on aging's caregiver's resource  
21 initiative project to enable it to continue its efforts in that  
22 regard.



1 A number of approaches have been suggested as a means to  
2 help family caregivers with the financial costs of family  
3 caregiving, including a cash and counseling program and a family  
4 caregiver refundable tax credit. However, more research and  
5 analyses of these different approaches are necessary to ensure  
6 that the State applies its resources and services toward helping  
7 family caregivers in the most efficacious manner.

8 The purpose of this Act is to strengthen support of family  
9 caregiving by:

- 10 (1) Extending the life of the joint legislative committee  
11 on family caregiving;
- 12 (2) Authorizing the joint legislative committee to explore  
13 establishing a paid family leave program under the  
14 state temporary disability insurance law;
- 15 (3) Providing a broader definition of "family caregiver"  
16 by including grandparents who are caregivers for  
17 grandchildren who are age eighteen years or younger or  
18 nineteen years of age or older with physical or  
19 cognitive limitations;
- 20 (4) Requiring the joint legislative committee on  
21 caregiving to conduct a comprehensive assessment of  
22 the needs of care recipients who are age sixty and



1 older with physical or cognitive disabilities, and the  
2 needs of their family caregivers;

3 (5) Appropriating funds to supplement development of the  
4 aging and disability resource center program;

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

8 (7) Appropriating funds to provide direct services to  
9 family caregivers;

10 PART II

11 JOINT LEGISLATIVE COMMITTEE ON FAMILY CAREGIVING

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

14 "SECTION 2. (a) There is established a joint legislative  
15 committee on family caregiving. The committee shall be composed  
16 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 [~~who provide unpaid, informal assistance to persons~~  
10 ~~age sixty and older with physical or cognitive disabilities~~].

11 For purposes of this Act, "family caregiver" means:

12 (1) A person, including a non-relative such as a friend or  
13 neighbor, who provides unpaid, informal assistance to  
14 a person age sixty and older with physical or  
15 cognitive disabilities; and

16 (2) A grandparent who is a caregiver for a grandchild who  
17 is age eighteen years or younger, or who is nineteen  
18 years of age or older with physical or cognitive  
19 limitations.

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

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



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

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

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

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

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

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

12       (d) The joint legislative committee shall seek input from  
13 the department of health, the department of human services, the  
14 department of taxation, the University of Hawaii, the executive  
15 office on aging, and the elderly, disability, business, and  
16 faith-based communities.

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

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





1 (c) In conducting the needs assessment, the joint  
2 legislative committee on family caregiving may utilize telephone  
3 surveys or other methods of gathering reliable data regarding  
4 care recipients' needs and the needs of their family caregivers,  
5 including purchasing additional questions for the upcoming  
6 *Hawaii Health Survey*.

7 (d) The joint legislative committee on family caregiving  
8 shall incorporate the completed needs assessment into the joint  
9 legislative committee report to the legislature.

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

14 SECTION 4. The joint legislative committee on family  
15 caregiving shall submit a report, including the completed needs  
16 assessment pursuant to section 3 and any proposed legislation,  
17 to the legislature no later than twenty days prior to the  
18 convening of the regular session of 2008.

19 SECTION 5. There is appropriated out of the general  
20 revenues of the State of Hawaii the sum of \$120,000 or so much  
21 thereof as may be necessary for fiscal year 2007-2008 for the  
22 joint legislative committee on family caregiving, which may





1                   AGING AND DISABILITY RESOURCE CENTER

2           SECTION 7. The delivery of long term care in Hawaii has  
3 characteristically been uncoordinated, making it difficult for  
4 consumers to obtain information about long term care options and  
5 services. Much of this has to do with the fact that different  
6 programs have their own eligibility requirements, funding  
7 mandates, care benefits, provider participation regulations,  
8 administrative structure, and service delivery mechanisms.  
9 Consequently, it is difficult to coordinate a comprehensive  
10 continuum of long term care (ranging from nursing homes to home-  
11 and community-based services) for the elderly and the disabled.

12           In 2005, Hawaii was selected to receive a grant from the  
13 United States Department of Health and Human Services to develop  
14 an aging and disability resource center program. The grant is  
15 intended to help Hawaii develop "one-stop shop" programs at the  
16 community level that can serve as the entry point to the long  
17 term services and support system. The vision is to have  
18 resource centers in every community serving as highly visible  
19 and trusted places where people can turn for information on the  
20 full range of long term care support options, and with a  
21 streamlined process for screening, intake, assessment, and  
22 eligibility determination. Long term care support refers to a



1 wide range of in-home, community-based, and institutional  
2 services and programs that are designed to help individuals with  
3 disabilities.

4 The executive office on aging, in partnership with the  
5 Hawaii county office of aging and the city and county of  
6 Honolulu elderly affairs division, is already developing an  
7 aging and disability resource center in Hawaii county. The  
8 three-year project commenced in October, 2005, and is due for  
9 completion by September, 2008. A second resource center is  
10 planned for the city and county of Honolulu. A state advisory  
11 board has already been established to provide public input and  
12 feedback on the project development and to develop a statewide  
13 access plan for future replication. Each project will also have  
14 its own steering committee or advisory board at the county level  
15 to assist in the specific site development.

16 The Hawaii county project received additional funding from  
17 the Hawaii county council, with support from the Hawaii county  
18 mayor, to enable the project to lease the former Sun Sun Lau  
19 Chinese Restaurant in Hilo as the physical site. Renovations  
20 are currently underway at the Hilo site with a target completion  
21 date of late 2007. The Hawaii county office of aging will co-  
22 locate in this centralized facility with other aging and



1 disability services and providers, including the department of  
2 human services' programs and the Legal Aid Society.

3 The city and county of Honolulu project will initially be a  
4 virtual site. It will build upon the city and county of  
5 Honolulu elderly affairs division's current senior hotline  
6 telephone information and assistance program and will develop a  
7 comprehensive resource website. The overall goal is to  
8 eventually establish aging and disability resource center sites  
9 in all of the counties to provide statewide access.

10 The legislature finds that the aging and disability  
11 resource center program will improve access to long term care  
12 information and options for family caregivers, the elderly, and  
13 the disabled by facilitating their search for needed services.

14 The purpose of this part is to support the aging and  
15 disability resource center program by appropriating funds to  
16 supplement its development. The funds shall be used to:

- 17 (1) Contract with a management information consultant to:  
18 (A) Identify management information system needs;  
19 (B) Assist with vendor selection;  
20 (C) Ensure compliance with management information  
21 system requirements;



- 1 (D) Provide resources and technical assistance for
- 2 project evaluation, intake, and database
- 3 development;
- 4 (E) Troubleshoot technical problems; and
- 5 (F) Assist with systems integration;
- 6 (2) Purchase additional management information system
- 7 products, including software licensing, server
- 8 clusters, installation, staff training, computer
- 9 hardware, and technical support;
- 10 (3) Install a statewide toll-free telephone system for the
- 11 public to contact the aging and disability resource
- 12 center sites. This includes the installation of the
- 13 single server number, telephone equipment, cable
- 14 lines, phone system upgrades, and special equipment
- 15 for the blind and deaf consumers;
- 16 (4) Coordinate and implement consumer education and
- 17 outreach campaigns, including outreach coordination,
- 18 the production and printing of brochures and posters,
- 19 media ads, presentations and exhibits at senior and
- 20 disability events or focal centers, bilingual
- 21 translation, and other promotional activities that



1 will educate the consumers and general public about  
2 aging and disability resource center services;

3 (5) Continue the coordination and implementation of the  
4 Hawaii county site;

5 (6) Continue the coordination and implementation of the  
6 city and county of Honolulu site;

7 (7) Continue the state-level coordination and evaluation  
8 activities of the project; and

9 (8) Provide training to aging and disability resource  
10 center staff.

11 SECTION 8. 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 sum of \$230,000 or so much thereof as may be necessary for  
15 fiscal year 2008-2009 to the executive office on aging to  
16 support the continuous development of the aging and disability  
17 resource center project in Hawaii.

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

20 PART VI

21 SERVICES



1 SECTION 9. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$475,000 or so much  
3 thereof as may be necessary for fiscal year 2007-2008 and  
4 \$525,000 or so much thereof as may be necessary for fiscal year  
5 2008-2009 to the executive office on aging to expand the kupuna  
6 care program's in-home and access services to qualified care  
7 recipients and to provide direct services to family caregivers.

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

10 **PART VII**

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

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

20 The program's innovative approach enables participants to  
21 direct and manage their personal assistance services according  
22 to their own specific needs. Participants can choose a family



1 member or friend, in lieu of an agency worker, to provide the  
2 services. They receive counseling and fiscal assistance to help  
3 them manage their allowance and responsibilities. The program  
4 was first implemented in Arkansas, New Jersey, and Florida, and  
5 has since expanded to include twelve other states.

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

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

17 SECTION 11. (a) The executive office on aging shall:

18 (1) Research the cash and counseling program and its  
19 implementation in other states, including Arkansas,  
20 New Jersey, and Florida;

21 (2) In completing its research:



- 1 (A) Contact the national program office at the Boston  
2 college graduate school of social work, which  
3 coordinates replications of the program;
- 4 (B) Consult with the Robert Wood Johnson Foundation,  
5 the Office of the Assistant Secretary for  
6 Planning and Evaluation at the United States  
7 Department of Health and Human Services, the  
8 Administration on Aging, the department of human  
9 services, and the department of health; and
- 10 (C) Examine models that include individuals receiving  
11 medicaid personal care services or home- and  
12 community-based services, as well as individuals  
13 who are not medicaid recipients;
- 14 (3) Submit an interim report of its research findings to  
15 the joint legislative committee on family caregiving  
16 by November 1, 2007;
- 17 (b) The executive office on aging shall also:
- 18 (1) Prepare a cost-benefit analysis of a \$1,000, \$750, and  
19 \$500 family caregiver refundable tax credit as  
20 proposed in Senate Bill No. 1199, S.D. 2 (2007); and



1 (2) Submit a report, including the results of the  
2 cost-benefit analysis, to the joint legislative  
3 committee on family caregiving by November 1, 2007.

4 PART VIII

5 MISCELLANEOUS PROVISIONS

6 SECTION 12. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 13. This Act shall take effect upon its approval;  
9 provided that sections 5, 8, and 9 shall take effect on July 1,  
10 2007; and further provided that section 2 shall take effect on  
11 June 29, 2007.

ACTING



GOVERNOR OF THE STATE OF HAWAII

Approved this day: JUN 21 2007

