

2013 -- S 0615

=====
LC00773
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

—————
A N A C T

RELATING TO HUMAN SERVICES -- LONG-TERM CARE SERVICE REFORM FOR
MEDICAID ELIGIBLE INDIVIDUALS

Introduced By: Senator Maryellen Goodwin

Date Introduced: March 06, 2013

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 40-8.10-4 of the General Laws in Chapter 40-8.10 entitled "Long
2 Term Care Service Reform for Medicaid Eligible Individuals" is hereby amended to read as
3 follows:

4 **40-8.10-4. Assessment and Coordination Unit (ACU).** -- (a) The department of human
5 services, in collaboration with the executive office of health and human services, shall implement
6 a long-term care options counseling program to provide individuals or their representative, or
7 both, with long-term care consultations that shall include, at a minimum, information about long-
8 term care options, sources and methods of both public and private payment for ~~long-term~~ [long-](#)
9 [term](#) care services, [information on caregiver support services, including respite care,](#) and an
10 assessment of an individual's functional capabilities and opportunities for maximizing
11 independence. Each individual admitted to or seeking admission to a long-term care facility,
12 regardless of the payment source, shall be informed by the facility of the availability of the long-
13 term care options counseling program and shall be provided with a long-term care options
14 consultation, if he or she so requests. Each individual who applies for Medicaid long-term care
15 services shall be provided with a long-term care consultation.

16 (b) Core and preventative home and community based services defined and delineated in
17 section 40-8.10-2 shall be provided only to those individuals who meet one of the levels of care
18 provided for in this chapter. Other long term care services authorized by the federal government,

1 such as medication management, may also be provided to Medicaid eligible recipients who have
2 established the requisite need as determined by the Assessment and Coordination Unit (ACU).
3 Access to institutional and community based supports and services shall be through the
4 Assessment and Coordination Unit (ACU). The provision of Medicaid-funded long-term care
5 services and supports shall be based upon a comprehensive assessment that shall include, but not
6 be limited to, an evaluation of the medical, social and environmental needs of each applicant for
7 these services or programs. The assessment shall serve as the basis for the development and
8 provision of an appropriate plan of care for the applicant.

9 (c) The ACU shall assess the financial eligibility of beneficiaries to receive long-term
10 care services and supports in accordance with the applicable provisions of section 40-8.9-9.

11 (d) The ACU shall be responsible for conducting assessments; determining a level of
12 care for applicants for medical assistance; developing service plans; pricing a service budget and
13 developing a voucher when appropriate; making referrals to appropriate settings; maintaining a
14 component of the unit that will provide training to and will educate consumers, discharge
15 planners and providers; tracking utilization; monitoring outcomes; and reviewing service/care
16 plan changes. The ACU shall provide interdisciplinary high cost case reviews and choice
17 counseling for eligible recipients.

18 (e) The assessments for individuals conducted in accordance with this section shall serve
19 as the basis for individual budgets for those medical assistance recipients eligible to receive
20 services utilizing a self-directed delivery system.

21 (f) Nothing in this section shall prohibit the secretary of the executive office of health
22 and human services, or the directors of that office's departments from utilizing community
23 agencies or contractors when appropriate to perform assessment functions outlined in this
24 chapter.

25 SECTION 2. Title 40 of the General Laws entitled "HUMAN SERVICES" is hereby
26 amended by adding thereto the following chapter:

27 CHAPTER 8.11

28 CAREGIVER ASSESSMENT

29 40-8.11-1. Findings. -- (a) Family members, partners and close friends provide the vast
30 majority of long-term services and supports.

31 (b) An estimated one hundred forty-eight thousand (148,000) people in Rhode Island are
32 providing care at any one time to persons living in the community. The estimated value of their
33 unpaid contributions in 2009 was one billion eight hundred eighty million dollars (\$1.88 billion).

34 (c) Family or other caregivers who provide the majority of care in the home are

1 frequently under substantial stress, physical, psychological, and financial. The stress, if
2 unrelieved by support for the caregiver, may lead to premature or unnecessary nursing home and
3 institutional placement and health and financial burdens for the caregiver.

4 (d) Respite care and other community-based supportive services for the family caregiver
5 can relieve some of the stresses faced by caregivers, maintain and strengthen the family structure,
6 postpone or prevent institutionalization and lead to better outcomes for both the caregiver and
7 care recipient.

8 (e) The percentage of Rhode Islanders sixty-five (65) years of age and older is projected
9 to grow from fourteen percent (14%) of the state population in 2010 to twenty-one percent (21%)
10 by 2030. As people age, they have greater dependency needs and an increased need for continued
11 supportive long-term care services and supports. Younger people with disabilities also require
12 continued supportive long-term care services as they age.

13 (f) As informal caregivers and families are a vital part of the long-term care services and
14 supports system, it is an important public purpose to recognize and respect their contributions and
15 to assess and support their needs.

16 **40-8.11-2. Definitions. --** (a) "Caregiver assessment" means a systematic process of
17 gathering information about a caregiving situation to identify the specific problems, needs,
18 strengths, and resources of the family caregiver, as well as the caregiver's ability contribute to the
19 needs of the care recipient.

20 (b) The term "family caregiver" means any relative, partner, friend, or neighbor who has
21 a significant relationship with, and who provides a broad range of assistance for, an older adult or
22 an adult or child with chronic or disabling conditions.

23 **40-8.11-3. Caregiver assessment requirement. --** The comprehensive assessment
24 required in subsection 40-8.10-4(b) as part of Medicaid long-term service reform shall also
25 include a caregiver assessment whenever the plan of care depends on a family caregiver for
26 providing assistance with activities of daily living needs. The assessment shall be used to develop
27 a plan of care that recognizes both the needs of the care recipient and the caregiver. The
28 assessment shall also serve as the basis for development and provision of an appropriate plan for
29 caregiver information, referral and support services. Information about available respite
30 programs, caregiver training and education programs, support groups and community support
31 services shall be included as part of the caregiver support plan. To implement the caregiver
32 assessment, the executive office of health and human services shall adopt evidenced-based
33 caregiver assessment and referral tools appropriate to the departments within the office that
34 provide that provides long-term care services and supports.

1

2 SECTION 3. This act shall take effect upon passage.

=====
LC00773
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HUMAN SERVICES -- LONG-TERM CARE SERVICE REFORM FOR
MEDICAID ELIGIBLE INDIVIDUALS

1 This act would require that the department of human services provide information on
2 caregiver support services, including respite care in its long-term care counseling program. This
3 act would also require that caregiver assessment be used to develop an appropriate plan of care.

4 This act would take effect upon passage.

=====
LC00773
=====