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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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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 care
9 services, [information on caregiver support services, including respite care](#), and an assessment of
10 an individual's functional capabilities and opportunities for maximizing independence. Each
11 individual admitted to or seeking admission to a long-term care facility, regardless of the payment
12 source, shall be informed by the facility of the availability of the long-term care options
13 counseling program and shall be provided with a long-term care options consultation, if he or she
14 so requests. Each individual who applies for Medicaid long-term care services shall be provided
15 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 FAMILY CAREGIVERS SUPPORT ACT OF 2013

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 and forty-eight thousand (148,000) persons in Rhode
32 Island are providing care at any one time to persons living in the community. The estimated value
33 of their unpaid contributions in 2009 was one billion eight hundred eighty million dollars
34 (\$1,880,000,000).

1 (c) Family or other caregivers who provide the majority of care in the home are
2 frequently under substantial physical, psychological, and financial stress. The stress, if unrelieved
3 by support for the caregiver, may lead to premature or unnecessary nursing home and institutional
4 placement and health and financial burdens for the caregiver.

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

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

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

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

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

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

1 [services and support.](#)

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would create a family caregiver support act which would require a caregiver
2 assessment if the plan of care involves, a family caregiver, and a plan of care would be developed
3 which would take into account the needs of the caregiver and the recipient.

4 This act would take effect upon passage.

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