

2018 -- H 7491

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LC004298  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO HUMAN SERVICES -- FAMILY CAREGIVERS SUPPORT ACT OF 2013

Introduced By: Representatives Casimiro, Shanley, Donovan, Vella-Wilkinson, and  
Marszalkowski

Date Introduced: February 07, 2018

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 40-8.11-1 and 40-8.11-3 of the General Laws in Chapter 40-8.11  
2 entitled "Family Caregivers Support Act of 2013" are hereby amended to read as follows:

3 **40-8.11-1. Findings.**

4 (a) Family members, partners and close friends provide the vast majority of long-term  
5 services and supports.

6 (b) An estimated one hundred and forty-eight thousand (148,000) persons fifty-five (55)  
7 years of age and over in Rhode Island are providing care at any one time to persons living in the  
8 community. The estimated value of their unpaid contributions in 2009 was one billion eight  
9 hundred eighty million dollars (\$1,880,000,000).

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

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

18 (e) The percent of Rhode Islanders age sixty-five (65) years of age and older is projected  
19 to grow from fourteen percent (14%) of the state population in 2010 to twenty-one percent (21%)

1 by 2030. As persons age, they have greater dependency needs and an increased need for long-  
2 term care services and support. Younger people with disabilities also require continued  
3 supportive long-term care services as they age.

4 (f) As informal caregivers and families are a vital part of the long-term care services and  
5 support system, it is an important public purpose to recognize and respect their contributions ~~and~~  
6 to assess ~~and support~~ their needs and to provide them with counseling, education, and support  
7 services.

8 **40-8.11-3. Caregiver assessment requirement.**

9 (a) The comprehensive assessment required in subsection 40-8.10-4(b) as part of  
10 Medicaid long-term service reform shall also include a caregiver assessment whenever the plan of  
11 care depends on a family caregiver for providing assistance with activities of daily living needs or  
12 instrumental activities of daily living needs. The assessment shall be used to develop a plan of  
13 care that recognizes both needs of the care recipient and the caregiver. The assessment shall also  
14 serve as the basis for development and provision of an appropriate plan for caregiver information,  
15 education, training, referral and support services. Information about available respite programs,  
16 caregiver training and education programs, support groups and community support services shall  
17 be included as part of the caregiver support plan. To implement the caregiver assessment, the  
18 executive office of health and human services shall adopt evidenced-based caregiver assessments  
19 and referral tools appropriate to the departments within the office that provide long-term care  
20 services and support.

21 (b) The executive office of health and human services (EOHHS) shall develop annual  
22 reports to track data on the number of caregiver assessments conducted, the identified needs of  
23 caregivers to include both met and unmet needs and referrals made for education, respite and  
24 other support services. The annual reports shall be submitted to the house and senate finance  
25 committees as part of the annual budget hearings. In addition, the annual reports shall be  
26 submitted to the chair of the long-term care coordinating council and posted on the executive  
27 office of health and human services (EOHHS) website.

28 SECTION 2. Chapter 40-8.11 of the General Laws entitled "Family Caregivers Support  
29 Act of 2013" is hereby amended by adding thereto the following section:

30 **40-8.11-4. Caregiver support services.**

31 The executive office of health and human services (EOHHS) may seek Medicaid waivers  
32 of section 1115 of the United States Social Security Act or state-plan amendments in order to  
33 promote the state's rebalancing goals for long-term support and services, to promote consumer  
34 choice of care settings and to enhance support for unpaid family caregivers. Family caregiver

1 [support services may include respite, evidenced-based caregiver support programs and caregiver](#)  
2 [education and training for family caregivers of persons enrolled in Medicaid long-term supports](#)  
3 [and services and the division of elderly affairs home care program.](#)

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO HUMAN SERVICES -- FAMILY CAREGIVERS SUPPORT ACT OF 2013

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1           This act would authorize the EOHHS to seek Medicaid section 1115 waivers or state-plan  
2 amendments in order to promote consumer choice of care settings and to enhance support for  
3 unpaid family caregivers. It would also require the EOHHS to develop and submit detailed annual  
4 reports to the house and senate finance committees for consideration during the annual budget  
5 hearings, the long term care coordinating council and to post the reports on the EOHHS website.

6           This act would take effect upon passage.

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