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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO HUMAN SERVICES - PERSONAL CARE ATTENDANT PROGRAM

Introduced By: Representatives Casimiro, Marszalkowski, Shekarchi, Noret, and
Shanley

Date Introduced: March 15, 2019

Referred To: House Health, Education & Welfare

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 in Rhode
7 Island are providing care at any one time to persons living in the community. The estimated value
8 of their unpaid contributions in 2009 was one billion eight hundred eighty million dollars
9 (\$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 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 referral and support services. Information about available respite programs, caregiver training and
16 education programs, support groups and community support services shall be included as part of
17 the caregiver support plan. To implement the caregiver assessment, the executive office of health
18 and human services shall adopt evidenced-based caregiver assessments and referral tools
19 appropriate to the departments within the office that provide long-term care services and support.

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

26 SECTION 2. Section 42-66-4 of the General Laws in Chapter 42-66 entitled "Elderly
27 Affairs Department" is hereby amended to read as follows:

28 **42-66-4. Duties of the division.**

29 (a) The division shall be the principal agency of the state to mobilize the human,
30 physical, and financial resources available to plan, develop, and implement innovative programs
31 to ensure the dignity and independence of elderly persons, including the planning, development,
32 and implementation of a home and long-term-care program for the elderly in the communities of
33 the state.

34 (b)(1) The division shall serve as an advocate for the needs of the adult with a disability

1 as these needs and services overlap the needs and services of elderly persons.

2 (2) The division shall serve as the state's central agency for the administration and
3 coordination of a long-term-care entry system, using community-based access points, that will
4 provide the following services related to long-term care: information and referral; initial
5 screening for service and benefits eligibility; and a uniform assessment program for state-
6 supported long-term care.

7 (3) The division shall investigate reports of elder abuse, neglect, exploitation, or self-
8 neglect and shall provide and/or coordinate protective services.

9 (c) To accomplish these objectives, the director is authorized:

10 (1) To provide assistance to communities in solving local problems with regard to elderly
11 persons including, but not limited to, problems in identifying and coordinating local resources to
12 serve the needs of elderly persons;

13 (2) To facilitate communications and the free flow of information between communities
14 and the offices, agencies, and employees of the state;

15 (3) To encourage and assist communities, agencies, and state departments to plan,
16 develop, and implement home- and long-term care programs;

17 (4) To provide and act as a clearinghouse for information, data, and other materials
18 relative to elderly persons;

19 (5) To initiate and carry out studies and analyses that will aid in solving local, regional,
20 and statewide problems concerning elderly persons;

21 (6) To coordinate those programs of other state agencies designed to assist in the solution
22 of local, regional, and statewide problems concerning elderly persons;

23 (7) To advise and inform the governor on the affairs and problems of elderly persons in
24 the state;

25 (8) To exercise the powers and discharge the duties assigned to the director in the fields
26 of health care, nutrition, homemaker services, geriatric day care, economic opportunity, local and
27 regional planning, transportation, and education and pre-retirement programs;

28 (9) To further the cooperation of local, state, federal, and private agencies and institutions
29 providing for services or having responsibility for elderly persons;

30 (10) To represent and act on behalf of the state in connection with federal grant programs
31 applicable to programs for elderly persons in the functional areas described in this chapter;

32 (11) To seek, accept, and otherwise take advantage of all federal aid available to the
33 division, and to assist other agencies of the state, local agencies, and community groups in taking
34 advantage of all federal grants and subventions available for elderly persons and to accept other

1 sources of funds with the approval of the director of administration that shall be deposited as
2 general revenues;

3 (12) To render advice and assistance to communities and other groups in the preparation
4 and submission of grant applications to state and federal agencies relative to programs for elderly
5 persons;

6 (13) To review and coordinate those activities of agencies of the state and of any political
7 subdivision of the state at the request of the subdivision, that affect the full and fair utilization of
8 community resources for programs for elderly persons, and initiate programs that will help ensure
9 such utilization;

10 (14) To encourage the formation of councils on aging and to assist local communities in
11 the development of the councils;

12 (15) To promote and coordinate day-care facilities for the frail elderly who are in need of
13 supportive care and supervision during the daytime;

14 (16) To provide and coordinate the delivery of in-home services to the elderly, as defined
15 under the rules and regulations adopted by the division of elderly affairs;

16 (17) To advise and inform the public of the risks of accidental hypothermia;

17 (18) To establish a clearinghouse for information and education of the elderly citizens of
18 the state, including, but not limited to, and subject to available funding, a web-based caregiver
19 support information center;

20 (19) To establish and operate, in collaboration with [the departments of behavioral health,](#)
21 [developmental disabilities and hospitals; human services; and children youth and families regular](#)
22 community ~~and aging service~~ agencies [supporting caregivers, a statewide family-caregiver](#)
23 [support association and a ~~a statewide~~ family-caregiver resource network to provide and
24 coordinate family-caregiver training and support services to include counseling and elder
25 caregiver respite services, which shall be subject to available funding, and include home
26 health/homemaker care, adult day services, assisted living, and nursing facility care;](#)

27 (20) To supervise the citizens' commission for the safety and care of the elderly created
28 pursuant to the provisions of chapter 1.4 of title 12.

29 (d) In order to assist in the discharge of the duties of the division, the director may
30 request from any agency of the state information pertinent to the affairs and problems of elderly
31 persons.

32 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 require the executive office of health and human services annual reports
2 to track the number of caregiver assessments given as part of the assessments conducted for
3 Medicaid long-term services, and supports and the creation of a family caregiver support
4 association by the division of elderly affairs.

5 This act would take effect upon passage.

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