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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 - FAMILY CAREGIVERS SUPPORT ACT OF 2013

Introduced By: Representatives Naughton, and E Coderre

Date Introduced: January 24, 2013

Referred To: House Health, Education & Welfare

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,
19 such as medication management, may also be provided to Medicaid eligible recipients who have

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

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

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

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

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

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

26 CHAPTER 8.11

27 FAMILY CAREGIVERS SUPPORT ACT OF 2013

28 40-8.11-1. Findings. -- (a) Family members, partners and close friends provide the vast
29 majority of long-term services and supports.

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

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

1 frequently under substantial physical, psychological, and financial stress. The stress, if unrelieved
2 by support for the caregiver, may lead to premature or unnecessary nursing home and institutional
3 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 percent of Rhode Islanders age 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 persons age, they have greater dependency needs and an increased need for long-
11 term care services and support. Younger people with disabilities also require continued
12 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 support 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" is defined and refers to a systematic
17 process of gathering information about a caregiving situation to identify the specific problems,
18 needs, strengths, and resources of the family caregiver, as well as the caregiver's ability to
19 contribute to the needs of the care recipient.

20 (b) The term "family caregiver" is defined and refers to any relative, partner, friend, or
21 neighbor who has a significant relationship with, and who provides a broad range of assistance
22 for, an older adult or 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 needs of the care recipient and the caregiver. The assessment
28 shall also serve as the basis for development and provision of an appropriate plan for caregiver
29 information, referral and support services. Information about available respite programs,
30 caregiver training and education programs, support groups and community support services shall
31 be included as part of the caregiver support plan. To implement the caregiver assessment, the
32 executive office of health and human services shall adopt evidenced-based caregiver assessments
33 and referral tools appropriate to the departments within the office that provide long-term care
34 services and support.

1 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

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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