

**2018 -- S 2553 AS AMENDED**

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LC004642  
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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: Senator Maryellen Goodwin

Date Introduced: March 01, 2018

Referred To: Senate Health & Human Services

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 living 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 and training, referral and support services. Information about available respite  
16 programs, caregiver training and education programs, support groups and community support  
17 services shall be included as part of the caregiver support plan. To implement the caregiver  
18 assessment, the executive office of health and human services shall adopt evidenced-based  
19 caregiver assessments and referral tools appropriate to the departments within the office that  
20 provide long-term care services and support.

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

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

29 **40-8.11-4. Caregiver support services.**

30 To promote the state's rebalancing goals for long-term supports and services, to promote  
31 consumer choice of care settings, and to enhance support for unpaid family caregivers, the  
32 executive office of health and human services is authorized to seek Medicaid section 1115 waiver  
33 for state-plan amendments to provide family caregiver support services to include respite,  
34 evidenced-based caregiver support programs, and caregiver education and training for family

1 [caregivers of persons enrolled in Medicaid long-term supports and services, and the division of](#)  
2 [elderly affairs home care program.](#)

3 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 require the department of health and human services to seek Medicaid  
2 section 1115 waivers to provide caregiver support services for family caregivers, and would  
3 provide for the creation by the department of annual reports to track the number of caregiver  
4 assessments given by the department.

5           This act would take effect upon passage.

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