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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 224 Session of  
2011

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INTRODUCED BY MUNDY, BISHOP, BRENNAN, CALTAGIRONE, CARROLL,  
D. COSTA, DeLUCA, FABRIZIO, FRANKEL, FREEMAN, GEORGE,  
GINGRICH, HALUSKA, JOHNSON, JOSEPHS, W. KELLER, KORTZ,  
MATZIE, McGEEHAN, MURPHY, M. O'BRIEN, PARKER, ROSS,  
SANTARSIERO, K. SMITH, STABACK, STURLA, WAGNER AND  
YOUNGBLOOD, JANUARY 25, 2011

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REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES, JANUARY  
25, 2011

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AN ACT

1 Amending the act of December 19, 1990 (P.L.1234, No.204),  
2 entitled "An act establishing a program to assist persons who  
3 bear primary responsibility for the at-home care of  
4 functionally dependent older adults and victims of chronic  
5 dementia," further providing for intent, for definitions, for  
6 caregiver support program, for reimbursements and for  
7 entitlement.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Sections 2, 3, 4, 5 and 6 of the act of December  
11 19, 1990 (P.L.1234, No.204), known as the Family Caregiver  
12 Support Act, are amended to read:

13 Section 2. Intent.

14 It is the intent of this act to ease the strain of caregiving  
15 and to assist [relatives] those who bear primary responsibility  
16 for the at-home care of functionally dependent older adults and  
17 other adults who are victims of chronic dementia by providing  
18 resources for services such as the following:

1 (1) Assistance to the primary caregiver to assure that  
2 supports to the [functionally dependent older adult or adult  
3 suffering from a chronic dementia] care receiver are adequate  
4 and appropriate to maintain these individuals in the home.

5 (2) Intermittent, planned or emergency relief to the  
6 primary caregiver.

7 (3) Restoration or maintenance of the primary  
8 caregiver's well-being.

9 (4) Preservation of the primary caregiver's informal  
10 supports such as family and friends.

11 (5) Supportive social services to the primary caregiver.

12 (6) Affordable services through a cost-sharing mechanism  
13 developed by the department for those families whose  
14 household incomes do not exceed 380% of the [poverty level]  
15 Federal poverty guidelines.

16 Section 3. Definitions.

17 The following words and phrases when used in this act shall  
18 have the meanings given to them in this section unless the  
19 context clearly indicates otherwise:

20 ["Adult." A person 18 years of age or older residing within  
21 this Commonwealth who is suffering from a chronic dementia such  
22 as Alzheimer's disease.]

23 "Adult with chronic dementia." A person 18 years of age or  
24 older residing within this Commonwealth who has an irreversible  
25 global loss of cognitive function causing evident intellectual  
26 impairment which always includes memory loss, without alteration  
27 of state of consciousness as diagnosed by a physician and is  
28 severe enough to interfere with work or social activities, or  
29 both, and to require continuous care or supervision.

30 "Area agency on aging." The single local agency designated

1 by the department within each planning and service area to  
2 administer the delivery of a comprehensive and coordinated plan  
3 of social and other services and activities in the planning and  
4 service area.

5 "Care receiver." A functionally dependent older adult or  
6 other adult with chronic dementia who is being cared for by a  
7 primary caregiver.

8 ["Chronic dementia." An irreversible global loss of  
9 cognitive function causing evident intellectual impairment which  
10 always includes memory loss, without alteration of state of  
11 consciousness as diagnosed by a physician and is severe enough  
12 to interfere with work or social activities, or both and to  
13 require continuous care or supervision.]

14 "Department." The Department of Aging of the Commonwealth.

15 "Federal poverty guidelines." The poverty guidelines updated  
16 periodically in the Federal Register by the Department of Health  
17 and Human Services under the authority of section 673 of the  
18 Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 42  
19 U.S.C. § 9902(2)).

20 "Functionally dependent older adult." A person 60 years of  
21 age or older residing within this Commonwealth who, because of  
22 his or her inability to perform tasks required for daily living  
23 as defined through regulation and as assessed by the area agency  
24 on aging, needs continuous care or supervision.

25 "Home modification." Reasonable modifications to the  
26 structure of a home for the purpose of reducing the caregiving  
27 burden of the primary caregiver, as approved by the department.  
28 Modifications do not include repairs, and payment for such  
29 repairs is prohibited.

30 "Household income." The income of all members of the

1 household with the exception of a minor or dependent student.

2 "Income." All income, from whatever source derived,  
3 including, but not limited to, wages, salaries, Social Security  
4 or railroad retirement income, public assistance income,  
5 realized capital gains and workmen's compensation. The  
6 department shall determine income amounts and inclusions for  
7 purposes of this act through regulation.

8 "Primary caregiver." The one identified [relative] adult  
9 family member or other individual who has assumed the primary  
10 responsibility for the provision of care needed to maintain the  
11 physical or mental health of a [functionally dependent older  
12 adult or other adult suffering from chronic dementia, who lives  
13 in the same residence with such individual on a continuous basis  
14 and] care receiver and who does not receive financial  
15 compensation for the care provided. A substantiated case of  
16 abuse, neglect, exploitation, abandonment as defined in the act  
17 of November 6, 1987 (P.L.381, No.79), known as the Older Adults  
18 Protective Services Act, or pursuant to any other civil or  
19 criminal statute regarding an older adult, shall prohibit a  
20 primary caregiver from receiving benefits under this act unless  
21 authorized by the department to prevent further abuse.

22 ["Relative." A spouse or parent, child, stepparent,  
23 stepchild, grandparent, grandchild, brother, sister, half-  
24 brother, half-sister, aunt, great aunt, uncle, great uncle,  
25 niece, nephew, by blood, marriage or adoption.]

26 "Respite care service." A regular, intermittent or emergency  
27 service which provides the primary caregiver of a [functionally  
28 dependent older adult or other adult suffering from a chronic  
29 dementia] care receiver with relief from normal caregiving  
30 duties and responsibilities.

1 Section 4. [Caregiver] Primary caregiver support program.

2 (a) Description.--The persons to be served under this act  
3 are unpaid, primary[, unpaid] caregivers who [live with and]  
4 provide continuous care to a [functionally dependent older adult  
5 or other adult suffering from a chronic dementia such as  
6 Alzheimer's disease] care receiver.

7 (b) Authority.--

8 (1) The department shall develop operating procedures  
9 and guidelines and shall contract with area agencies on aging  
10 to provide the benefits set forth in this act.

11 (2) The department shall have the authority to develop  
12 criteria through regulation relating to eligibility for  
13 primary caregivers to receive assistance pursuant to this  
14 act.

15 (3) After all eligibility criteria have been met, the  
16 department shall give priority in awarding assistance paid  
17 for by the State Lottery Fund to primary caregivers who  
18 provide care for a functionally dependent older adult and an  
19 adult 60 years of age or older with chronic dementia, such as  
20 Alzheimer's disease.

21 (c) Supportive services.--The department shall identify by  
22 regulation supportive services which are directly related to the  
23 provision of care to the [functionally dependent older adult or  
24 other adult suffering from chronic dementia] care receiver.

25 Supportive services include, but are not limited to:

26 (1) Benefits counseling and primary caregiver  
27 counseling, education and training.

28 (2) Reimbursement to primary caregivers whose care  
29 receivers' households financially qualify for assistance  
30 [pursuant to] under section 5 and as set forth through

1 regulation for expenses incurred in obtaining day or night  
2 respite care services, transportation to respite care service  
3 locations or other supportive services defined by regulation,  
4 and consumable supplies such as incontinence pads.

5 (3) Reimbursement to primary caregivers whose care  
6 receivers' households financially qualify for assistance  
7 [pursuant to] under section 5 and as developed through  
8 regulation for expenses incurred in obtaining home  
9 modifications or assistive devices as approved by the  
10 department which help the [functionally dependent older adult  
11 or adult suffering from chronic dementia] care receiver to  
12 carry out tasks required for daily living such as grab bars,  
13 safety devices and wheelchair ramps.

14 Section 5. Reimbursements.

15 (a) General rule.--The department through contracts with  
16 area agencies on aging shall provide the services described [in]  
17 under section 4(c) (1) and shall reimburse qualified primary  
18 caregivers for purchase of approved services described [in]  
19 under section 4(c) (2) and (3).

20 (b) Maximum amounts.--

21 (1) The maximum amount available to a qualified primary  
22 caregiver whose care receivers' household income is under  
23 200% of [poverty level] the Federal poverty guidelines shall  
24 be established by regulation, but shall not exceed [\$200]  
25 \$500 per month, for out-of-pocket expenses incurred for  
26 services described [in] under section 4(c) (2).

27 (2) The maximum amount available to a qualified primary  
28 caregiver whose care receivers' household income is under  
29 200% of [poverty level] the Federal poverty guidelines shall  
30 be established by regulation, but shall not exceed [\$2,000]

1       \$6,000 for the entire duration of the case, for expenses  
2       incurred for home modifications or assistive devices as  
3       described [in] under section 4(c)(3).

4       (c) Scale of benefits.--A sliding benefits scale shall be  
5       established by the department by regulation to ensure that  
6       primary caregivers [who] whose care receivers qualify under this  
7       act and whose household [income exceeds 200% of poverty level]  
8       incomes exceed 200% of the Federal poverty guidelines shall pay  
9       some portion of the out-of-pocket expenses for services  
10      described [in] under section 4(c). In no event will primary  
11      caregivers whose care receivers' household [incomes exceeds 380%  
12      of the poverty level] incomes exceed 380% of the Federal poverty  
13      guidelines be considered eligible for benefits under this act.

14      Section 6. Entitlement not created.

15      Nothing in this act creates or provides any individual with  
16      an entitlement to services or benefits. [It is the intent of the  
17      General Assembly that services] Services under this act shall be  
18      made available only to the extent of the availability and level  
19      of appropriations made by the General Assembly.

20      Section 2. This act shall take effect in 60 days.