
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1830 Session of
2007

INTRODUCED BY MUNDY, BELFANTI, BLACKWELL, BRENNAN, COHEN, DALEY,
DALLY, EACHUS, FRANKEL, GEORGE, GOODMAN, HALUSKA, HARPER,
JAMES, KOTIK, MANN, MARKOSEK, McGEEHAN, MELIO, MOUL, MOYER,
MURT, M. O'BRIEN, OLIVER, PALLONE, PASHINSKI, RAYMOND,
ROEBUCK, ROSS, SABATINA, SHIMKUS, SIPTROTH, STABACK, SURRA,
WALKO, WANSACZ, WATERS, PETRONE AND YOUNGBLOOD,
SEPTEMBER 11, 2007

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
SEPTEMBER 11, 2007

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 and for reimbursements.

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

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

12 Section 2. Intent.

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

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

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

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

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

11 (5) Supportive social services to the 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 Section 3. Definitions.

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

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

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

29 "Area agency on aging." The single local agency designated
30 by the department within each planning and service area to

1 administer the delivery of a comprehensive and coordinated plan
2 of social and other services and activities in the planning and
3 service area.

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

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

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

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

19 "Home modification." Reasonable modifications to the
20 structure of a home for the purpose of reducing the caregiving
21 burden of the caregiver, as approved by the department.
22 Modifications do not include repairs, and payment for such
23 repairs is prohibited.

24 "Household income." The income of all members of the
25 household with the exception of a minor or dependent student.

26 "Income." All income, from whatever source derived,
27 including, but not limited to, wages, salaries, Social Security
28 or railroad retirement income, public assistance income,
29 realized capital gains and workmen's compensation. The
30 department shall determine income amounts and inclusions for

1 purposes of this act through regulation.

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

16 ["Relative." A spouse or parent, child, stepparent,
17 stepchild, grandparent, grandchild, brother, sister, half-
18 brother, half-sister, aunt, great aunt, uncle, great uncle,
19 niece, nephew, by blood, marriage or adoption.]

20 "Respite care service." A regular, intermittent or emergency
21 service which provides the primary caregiver of a [functionally
22 dependent older adult or other adult suffering from a chronic
23 dementia] care recipient with relief from normal caregiving
24 duties and responsibilities.

25 Section 4. Caregiver support program.

26 (a) Description.--The persons to be served under this act
27 are primary, unpaid caregivers who [live with and] provide
28 continuous care to a [functionally dependent older adult or
29 other adult suffering from a chronic dementia such as
30 Alzheimer's disease] care recipient.

1 (b) Authority.--The department shall develop operating
2 procedures and guidelines and shall contract with area agencies
3 on aging to provide the benefits set forth in this act. The
4 department shall have the authority to develop criteria through
5 regulation relating to eligibility for caregivers to receive
6 assistance pursuant to this act.

7 (c) Supportive services.--The department shall identify by
8 regulation supportive services which are directly related to the
9 provision of care to the [functionally dependent older adult or
10 other adult suffering from chronic dementia] care recipient.

11 Supportive services include, but are not limited to:

12 (1) Benefits counseling and caregiver counseling,
13 education and training.

14 (2) Reimbursement to primary caregivers whose care
15 recipients' households financially qualify for assistance
16 [pursuant to] under section 5 and as set forth through
17 regulation for expenses incurred in obtaining day or night
18 respite care services, transportation to respite care service
19 locations or other supportive services defined by regulation,
20 and consumable supplies such as incontinence pads.

21 (3) Reimbursement to primary caregivers whose care
22 recipients' households financially qualify for assistance
23 [pursuant to] under section 5 and as developed through
24 regulation for expenses incurred in obtaining home
25 modifications or assistive devices as approved by the
26 department which help the [functionally dependent older adult
27 or adult suffering from chronic dementia] care recipient to
28 carry out tasks required for daily living such as grab bars,
29 safety devices and wheelchair ramps.

30 Section 5. Reimbursements.

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

6 (b) Maximum amounts.--

7 (1) The maximum amount available to a qualified
8 caregiver whose care recipients' household income is under
9 200% of poverty level shall be established by regulation, but
10 shall not exceed [\$200] \$500 per month, for out-of-pocket
11 expenses incurred for services described [in] under section
12 4(c)(2).

13 (2) The maximum amount available to a qualified
14 caregiver whose care recipients' household income is under
15 200% of poverty level shall be established by regulation, but
16 shall not exceed [\$2,000] \$6,000 for the entire duration of
17 the case, for expenses incurred for home modifications or
18 assistive devices as described [in] under section 4(c)(3).

19 (c) Scale of benefits.--A sliding benefits scale shall be
20 established by the department by regulation to ensure that
21 caregivers [who] whose care recipients qualify under this act
22 and whose household income exceeds 200% of poverty level shall
23 pay some portion of the out-of-pocket expenses for services
24 described [in] under section 4(c). In no event will caregivers
25 whose care recipients' household income exceeds 380% of the
26 poverty level be considered eligible for benefits under this
27 act.

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