

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, YOUNGBLOOD, McILVAINE SMITH, LONGIETTI, KULA, FABRIZIO, MANDERINO, J. WHITE, KORTZ, GINGRICH, SAMUELSON, BROOKS AND LENTZ, SEPTEMBER 11, 2007

AS REPORTED FROM COMMITTEE ON AGING AND OLDER ADULT SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 3, 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, FOR ←
7 REIMBURSEMENTS AND FOR ENTITLEMENT.

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

10 Section 1. Sections 2, 3, 4 and ~~5~~, 5 AND 6 of the act of ←
11 December 19, 1990 (P.L.1234, No.204), known as the Family
12 Caregiver 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

1 resources for services such as the following:

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

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

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

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

12 (5) Supportive social services to the caregiver.

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

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 recipient RECEIVER." A functionally dependent older ←
6 adult or other adult with chronic dementia who is being cared
7 for by a 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 "Functionally dependent older adult." A person 60 years of
16 age or older residing within this Commonwealth who, because of
17 his or her inability to perform tasks required for daily living
18 as defined through regulation and as assessed by the area agency
19 on aging, needs continuous care or supervision.

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

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

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

1 department shall determine income amounts and inclusions for
2 purposes of this act through regulation.

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

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

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

26 Section 4. Caregiver support program.

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

1 Alzheimer's disease] care recipient RECEIVER. <—

2 ~~(b) Authority. The department shall develop operating (B)~~ <—

3 AUTHORITY.--

4 (1) THE DEPARTMENT SHALL DEVELOP OPERATING procedures
5 and guidelines and shall contract with area agencies on aging
6 to provide the benefits set forth in this act. ~~The department~~ <—
7 ~~shall have the authority to develop criteria through~~

8 (2) THE DEPARTMENT SHALL HAVE THE AUTHORITY TO DEVELOP <—
9 CRITERIA THROUGH regulation relating to eligibility for
10 caregivers to receive assistance pursuant to this act.

11 (3) AFTER ALL ELIGIBILITY CRITERIA HAVE BEEN MET, THE <—
12 DEPARTMENT SHALL GIVE PRIORITY IN AWARDING ASSISTANCE PAID
13 FOR BY THE STATE LOTTERY FUND TO PRIMARY CAREGIVERS WHO
14 PROVIDE CARE FOR A FUNCTIONALLY DEPENDENT OLDER ADULT AND AN
15 ADULT 60 YEARS OF AGE OR OLDER WITH CHRONIC DEMENTIA, SUCH AS
16 ALZHEIMER'S DISEASE.

17 (c) Supportive services.--The department shall identify by
18 regulation supportive services which are directly related to the
19 provision of care to the [functionally dependent older adult or
20 other adult suffering from chronic dementia] care recipient <—
21 RECEIVER. Supportive services include, but are not limited to: <—

22 (1) Benefits counseling and caregiver counseling,
23 education and training.

24 (2) Reimbursement to primary caregivers whose care
25 recipients' RECEIVERS' households financially qualify for <—
26 assistance [pursuant to] under section 5 and as set forth
27 through regulation for expenses incurred in obtaining day or
28 night respite care services, transportation to respite care
29 service locations or other supportive services defined by
30 regulation, and consumable supplies such as incontinence

1 pads.

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

11 Section 5. Reimbursements.

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

17 (b) Maximum amounts.--

18 (1) The maximum amount available to a qualified
19 caregiver whose care recipients' RECEIVERS' household income <—
20 is under 200% of poverty level shall be established by
21 regulation, but shall not exceed [\$200] \$500 per month, for
22 out-of-pocket expenses incurred for services described [in]
23 under section 4(c)(2).

24 (2) The maximum amount available to a qualified
25 caregiver whose care recipients' RECEIVERS' household income <—
26 is under 200% of poverty level shall be established by
27 regulation, but shall not exceed [\$2,000] \$6,000 for the
28 entire duration of the case, for expenses incurred for home
29 modifications or assistive devices as described [in] under
30 section 4(c)(3).

1 (c) Scale of benefits.--A sliding benefits scale shall be
2 established by the department by regulation to ensure that
3 caregivers [who] whose care recipients RECEIVERS qualify under <—
4 this act and whose household income exceeds 200% of poverty
5 level shall pay some portion of the out-of-pocket expenses for
6 services described [in] under section 4(c). In no event will
7 caregivers whose care recipients' RECEIVERS' household income <—
8 exceeds 380% of the poverty level be considered eligible for
9 benefits under this act.

10 SECTION 6. ENTITLEMENT NOT CREATED. <—

11 NOTHING IN THIS ACT CREATES OR PROVIDES ANY INDIVIDUAL WITH
12 AN ENTITLEMENT TO SERVICES OR BENEFITS. [IT IS THE INTENT OF THE
13 GENERAL ASSEMBLY THAT SERVICES] SERVICES UNDER THIS ACT SHALL BE
14 MADE AVAILABLE ONLY TO THE EXTENT OF THE AVAILABILITY AND LEVEL
15 OF APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY.

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