

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 210 Session of
2011

INTRODUCED BY BAKER, GINGRICH, MICOZZIE, CAUSER, CALTAGIRONE,
CARROLL, CLYMER, CONKLIN, D. COSTA, J. EVANS, FRANKEL, GEIST,
GEORGE, GOODMAN, GROVE, HARKINS, HARRIS, HENNESSEY, HORNAMAN,
HUTCHINSON, JOSEPHS, KAUFFMAN, M. K. KELLER, KORTZ,
LONGIETTI, MAJOR, MILLER, MUNDY, D. O'BRIEN, O'NEILL,
PICKETT, RAPP, READSHAW, REICHLEY, SCAVELLO, K. SMITH,
VULAKOVICH, WATSON, HESS, MURT, GILLEN, GIBBONS, BROOKS,
BISHOP, FLECK, MARSHALL, FARRY, BEAR, MOUL, DePASQUALE AND
CURRY, JANUARY 25, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 4, 2011

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 not created.

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

10 Section 1. Sections 1, 2, 3, 4, 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 1. Short title.

14 This act shall be known and may be cited as the [Family]
15 Pennsylvania Caregiver Support Act.

16 Section 2. Intent.

1 It is the intent of this act to ease the strain of caregiving
2 and to assist [relatives] adult family members and other
3 individuals who bear primary responsibility for the at-home care
4 of functionally dependent older adults and other adults who are
5 victims of chronic dementia by providing resources for services
6 such as the following:

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

11 (2) Intermittent, planned or emergency relief to the
12 primary caregiver.

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

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

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

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

22 Section 3. Definitions.

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

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

29 "Adult with chronic dementia." A person 18 years of age or
30 older residing within this Commonwealth who has an irreversible

1 global loss of cognitive function causing evident intellectual
2 impairment which always includes memory loss, without alteration
3 of state of consciousness as diagnosed by a physician and is
4 severe enough to interfere with work or social activities, or
5 both, and to require continuous care or supervision.

6 "Area agency on aging." The single local agency designated
7 by the department within each planning and service area to
8 administer the delivery of a comprehensive and coordinated plan
9 of social and other services and activities in the planning and
10 service area.

11 "Care receiver." A functionally dependent older adult or
12 other adult with chronic dementia who is being cared for by a
13 primary caregiver.

14 ["Chronic dementia." An irreversible global loss of
15 cognitive function causing evident intellectual impairment which
16 always includes memory loss, without alteration of state of
17 consciousness as diagnosed by a physician and is severe enough
18 to interfere with work or social activities, or both and to
19 require continuous care or supervision.]

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

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

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

1 "Home modification." Reasonable modifications to the
2 structure of a home for the purpose of reducing the caregiving
3 burden of the primary caregiver, as approved by the department.
4 Modifications do not include repairs, and payment for such
5 repairs is prohibited.

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

8 "Income." All income, from whatever source derived,
9 including, but not limited to, wages, salaries, Social Security
10 or railroad retirement income, public assistance income,
11 realized capital gains and workmen's compensation. The
12 department shall determine income amounts and inclusions for
13 purposes of this act through regulation.

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

28 ["Relative." A spouse or parent, child, stepparent,
29 stepchild, grandparent, grandchild, brother, sister, half-
30 brother, half-sister, aunt, great aunt, uncle, great uncle,

1 niece, nephew, by blood, marriage or adoption.]

2 "Respite care service." A regular, intermittent or emergency
3 service which provides the primary caregiver of a [functionally
4 dependent older adult or other adult suffering from a chronic
5 dementia] care receiver with relief from normal caregiving
6 duties and responsibilities.

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

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

13 (b) Authority.--

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

17 (2) The department shall have the authority to develop
18 criteria through regulation relating to eligibility for
19 primary caregivers to receive assistance pursuant to this
20 act.

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

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

1 Supportive services include, but are not limited to:

2 (1) Benefits counseling and primary caregiver
3 counseling, education and training.

4 (2) Reimbursement to primary caregivers whose care
5 receivers' households financially qualify for assistance
6 [pursuant to] under section 5 and as set forth through
7 regulation for expenses incurred in obtaining day or night
8 respite care services, transportation to respite care service
9 locations or other supportive services defined by regulation,
10 and consumable supplies such as incontinence pads.

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

20 Section 5. Reimbursements.

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

26 (b) Maximum amounts.--

27 (1) 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 ~~†\$200†~~ ←

1 ~~\$600~~ per month, for out-of-pocket expenses incurred for
2 services described [in] under section 4(c)(2) [.] SUBJECT TO
3 THE FOLLOWING:

4 (I) EXCEPT AS OTHERWISE PROVIDED UNDER SUBPARAGRAPH
5 (II), IN INDIVIDUAL CASES WHERE THERE IS A DEMONSTRATED
6 NEED, THE MAXIMUM AMOUNT AVAILABLE TO A QUALIFIED PRIMARY
7 CAREGIVER MAY EXCEED \$200 BUT SHALL NOT BE MORE THAN
8 \$500. THE NEED MUST BE SPECIFICALLY DOCUMENTED IN THE
9 CARE RECEIVER'S CARE PLAN.

10 (II) REIMBURSEMENT UNDER SUBPARAGRAPH (I) SHALL BE
11 LIMITED TO \$200 IF AN AREA AGENCY ON AGING'S AVERAGE
12 MONTHLY REIMBURSEMENT EXCEEDS \$300 ACROSS ITS ENTIRE
13 CAREGIVER SUPPORT PROGRAM CASELOAD.

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

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

1 Section 6. Entitlement not created.

2 Nothing in this act creates or provides any individual with
3 an entitlement to services or benefits. [It is the intent of the
4 General Assembly that services] Services under this act shall be
5 made available only to the extent of the availability and level
6 of appropriations made by the General Assembly.

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