

Family Caregivers Support Act

This act requires the Executive Office of Health and Human Services to develop evidence-based caregiver assessments and referral tools for family caregivers. Further, a plan of care would be developed which would take into account the needs of the caregiver and the recipient.

Submitted as:

Rhode Island

[HB 5155](#)

Status: Signed into law on July 16, 2013.

Suggested State Legislation

(Title, enacting clause, etc.)

- 1 Section 1. [*Short Title.*] Family Caregivers Support Act.
2
- 3 Section 2. [*Assessment and Coordination Unit (ACU).*]
- 4 (a) The [department of human services], in collaboration with the [executive office of health and
5 human services], shall implement a long-term care options counseling program to provide
6 individuals or their representative, or both, with long-term care consultations that shall
7 include, at a minimum, information about long-term care options, sources and methods of
8 both public and private payment for long term care services, information on caregiver
9 support services, including respite care, and an assessment of an individual's functional
10 capabilities and opportunities for maximizing independence. Each individual admitted to or
11 seeking admission to a long-term care facility, regardless of the payment source, shall be
12 informed by the facility of the availability of the long-term care options counseling program
13 and shall be provided with a long-term care options consultation, if he or she so requests.
14 Each individual who applies for Medicaid long-term care services shall be provided with a
15 long-term care consultation.
- 16 (b) Core and preventative home and community based services defined and delineated in [Insert
17 citation] shall be provided only to those individuals who meet one of the levels of care
18 provided for in this chapter. Other long term care services authorized by the federal
19 government, such as medication management, may also be provided to Medicaid eligible
20 recipients who have established the requisite need as determined by the Assessment and
21 Coordination Unit (ACU). Access to institutional and community based supports and
22 services shall be through the Assessment and Coordination Unit (ACU). The provision of
23 Medicaid-funded long-term care services and supports shall be based upon a comprehensive
24 assessment that shall include, but not be limited to, an evaluation of the medical, social and
25 environmental needs of each applicant for these services or programs. The assessment shall
26 serve as the basis for the development and provision of an appropriate plan of care for the
27 applicant.
- 28 (c) The ACU shall assess the financial eligibility of beneficiaries to receive long-term care
29 services and supports in accordance with the applicable provisions of [Insert citation.]
- 30 (d) The ACU shall be responsible for conducting assessments; determining a level of care for
31 applicants for medical assistance; developing service plans; pricing a service budget and

1 developing a voucher when appropriate; making referrals to appropriate settings; maintaining
2 a component of the unit that will provide training to and will educate consumers, discharge
3 planners and providers; tracking utilization; monitoring outcomes; and reviewing
4 service/care plan changes. The ACU shall provide interdisciplinary high cost case reviews
5 and choice counseling for eligible recipients.

6 (e) The assessments for individuals conducted in accordance with this section shall serve as the
7 basis for individual budgets for those medical assistance recipients eligible to receive
8 services utilizing a self-directed delivery system.

9 (f) Nothing in this section shall prohibit the secretary of the [executive office of health and
10 human services], or the directors of that office's departments from utilizing community
11 agencies or contractors when appropriate to perform assessment functions outlined in this
12 chapter.

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14 Section 3. [*Findings.*]

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16 Section 4. [*Definitions.*]

17 (a) "Caregiver assessment" is defined and refers to a systematic process of gathering information
18 about a caregiving situation to identify the specific problems, needs, strengths, and resources
19 of the family caregiver, as well as the caregiver's ability to contribute to the needs of the care
20 recipient.

21 (b) The term "family caregiver" is defined and refers to any relative, partner, friend, or neighbor
22 who has a significant relationship with, and who provides a broad range of assistance for, an
23 older adult or an adult or child with chronic or disabling conditions.

24
25 Section 5. [*Caregiver assessment requirement.*]

26 The comprehensive assessment required in Section 2 as part of Medicaid long-term service
27 reform shall also include a caregiver assessment whenever the plan of care depends on a family
28 caregiver for providing assistance with activities of daily living needs. The assessment shall be
29 used to develop a plan of care that recognizes both needs of the care recipient and the caregiver.
30 The assessment shall also serve as the basis for development and provision of an appropriate
31 plan for caregiver information, referral and support services. Information about available respite
32 programs, caregiver training and education programs, support groups and community support
33 services shall be included as part of the caregiver support plan. To implement the caregiver
34 assessment, the executive office of health and human services shall adopt evidenced-based
35 caregiver assessments and referral tools appropriate to the departments within the office that
36 provide long-term care services and support.

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38 Section 6. [*Severability.*] Insert severability clause.

39
40 Section 7. [*Repealer.*] Insert repealer clause.

41
42 Section 8. [*Effective Date.*] Insert effective date.