

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1072

To amend the Social Security Act to provide assistance to States in providing services to support informal caregivers of individuals with functional limitations.

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## IN THE SENATE OF THE UNITED STATES

MAY 28 (legislative day, APRIL 19), 1993

Mr. BRADLEY introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Social Security Act to provide assistance to States in providing services to support informal caregivers of individuals with functional limitations.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Family Caregiver Sup-  
5 port Act of 1993”.

1 **SEC. 2. FAMILY CAREGIVER SUPPORT PROGRAM ESTAB-**  
 2 **LISHED.**

3 (a) IN GENERAL.—The Social Security Act (42  
 4 U.S.C. 301 et seq.) is amended by adding at the end there-  
 5 of the following new title:

6 “TITLE XXI—GRANTS TO STATES FOR FAMILY  
 7 CAREGIVER SUPPORT PROGRAMS

8 “PURPOSE OF TITLE; AUTHORIZATION OF  
 9 APPROPRIATIONS

10 “SEC. 2101. For the purpose of enabling each State  
 11 to furnish services to support informal caregivers of indi-  
 12 viduals with functional limitations by providing services  
 13 designed to facilitate and strengthen informal support sys-  
 14 tems to help maintain individuals with functional limita-  
 15 tions within the community, there are authorized to be ap-  
 16 propriated for each fiscal year such sums as may be nec-  
 17 essary to carry out the purposes of this title. The sums  
 18 made available under this section shall be used for making  
 19 payments to States which have submitted, and had ap-  
 20 proved by the Secretary, State plans for family caregiver  
 21 support services.

22 “STATE PLANS FOR FAMILY CAREGIVER SUPPORT  
 23 SERVICES

24 “SEC. 2102. A State plan for family caregiver sup-  
 25 port services must—

1           “(1) provide that it shall be in effect in all po-  
2           litical subdivisions of the State, and if administered  
3           by them, be mandatory upon them;

4           “(2) provide for financial participation by the  
5           State equal to not less than 50 percent of the ad-  
6           ministrative costs of operating the program in the  
7           State;

8           “(3) provide either for the establishment or des-  
9           ignation of a single State agency or agencies (such  
10          agency may be the same agency established or des-  
11          ignated under section 1902 of this Act) to admin-  
12          ister or supervise the administration of the plan in  
13          coordination with home and community-based serv-  
14          ices provided under title XIX of this Act;

15          “(4) describe the steps that will be taken to en-  
16          sure that all State government agencies responsible  
17          for the provision of family caregiver support services  
18          funded under this title with other Federal or State  
19          agencies or both on behalf of individuals with func-  
20          tional limitations and their caregivers shall be in-  
21          cluded in the development of the State plan so that  
22          all such services are coordinated with all other types  
23          of services and benefits such individuals and their  
24          caregivers may be receiving (or are eligible to re-  
25          ceive);

1           “(5) describe the steps to be taken to ensure  
2 equitable access to family caregiver support services  
3 funded under this title for individuals of all ages  
4 with functional limitations and their caregivers, in-  
5 cluding individuals who have cognitive, mental, de-  
6 velopmental, physical, sensory, or other impairments  
7 that meet the criteria of section 2104(b)(1);

8           “(6) describe the manner in which family  
9 caregiver support services funded under this title will  
10 be organized, delivered, and coordinated, statewide  
11 and within the various localities of the State, in  
12 order to achieve the objectives specified in subpara-  
13 graphs (4) and (5) of this subsection;

14           “(7) specify the procedures used in notifying  
15 and obtaining input on the contents of the State  
16 plan from non-governmental organizations and indi-  
17 viduals with an interest in the welfare of individuals  
18 with functional limitations;

19           “(8) provide that the State agency or agen-  
20 cies—

21                 “(A) make a determination of the need for  
22 family caregiver support services for the individ-  
23 ual with functional limitations;

24                 “(B) establish quality assurance for the  
25 delivery of family caregiver support services, in-

1 including evaluation of individual and family sat-  
2 isfaction with the services provided;

3 “(C) establish a family caregiver support  
4 plan for each individual with functional limita-  
5 tions for services under this title, and provide  
6 for periodic review and revision as necessary;  
7 and

8 “(D) establish reimbursement levels for  
9 family caregiver support services;

10 “(9) provide that family caregiver support serv-  
11 ices funded under this title to an individual with  
12 functional limitations shall not supplant services oth-  
13 erwise provided to such individual for which such in-  
14 dividual is eligible under titles XVIII or XIX of this  
15 Act or under any other public or private program;

16 “(10) provide—

17 “(A) that no copayment shall be required  
18 for individuals with functional limitations with  
19 incomes below 200 percent of the income offi-  
20 cial poverty line (as determined by the Office of  
21 Management and Budget and revised annually  
22 in accordance with section 673(2) of the Omni-  
23 bus Budget Reconciliation Act of 1981); and

24 “(B) that a copayment shall be required on  
25 a sliding scale basis (as determined by the

1 State) for individuals with functional limitations  
2 with incomes in excess of 200 percent of such  
3 income line; and

4 “(11) provide for making family caregiver sup-  
5 port services available, including at least the care  
6 and services described in paragraphs (1) through (4)  
7 of section 2104(a) to all individuals with functional  
8 limitations.

9 “PAYMENT TO STATES

10 “SEC. 2103. (a)(1) The Secretary (except as other-  
11 wise provided in this section) shall pay to each State which  
12 has a plan approved under this title, for each quarter, be-  
13 ginning with the quarter commencing January 1, 1994—

14 “(A) an amount equal to 100 percent of the  
15 total amount expended during such quarter as fam-  
16 ily caregiver support services under the State plan  
17 subject to the applicable Federal payment limitation  
18 described in paragraph (2); and

19 “(B) an amount equal to 50 percent of so much  
20 of the sums expended during such quarter as found  
21 necessary by the Secretary for the proper and effi-  
22 cient administration of the State plan (including  
23 costs of needs determination and care planning).

24 “(2)(A) The applicable Federal payment limitation  
25 described in this paragraph is \$2,400 per calendar year

1 per individual with functional limitations, reduced by the  
2 offset, if any, described in subparagraph (B).

3 “(B) The total Federal payment to any State for each  
4 individual with functional limitations for a calendar year  
5 shall be reduced by the amount of any copayment paid  
6 by such an individual for family caregiver support services  
7 funded under this title in accordance with paragraph (10)  
8 of section 2102.

9 “(b) No payment shall be made under this title with  
10 respect to any amount expended for family caregiver sup-  
11 port services in a calendar quarter for any individual with  
12 functional limitations with an income in excess of \$75,000  
13 per year.

14 “DEFINITIONS

15 “SEC. 2104. (a) For purposes of this title, the term  
16 ‘family caregiver support services’ means care and services  
17 in the home, or in the community, provided on a tem-  
18 porary, short term, intermittent, or emergency basis to  
19 support a caregiver in caring for an individual with func-  
20 tional limitations, including—

21 “(1) companion services;

22 “(2) homemaker services;

23 “(3) personal assistance;

24 “(4) day services in the community;

1           “(5) temporary care in accredited or licensed  
2 facilities (admission to a hospital or nursing home  
3 for out-of-home care for a brief stay); and

4           “(6) such other services, as specified in State  
5 plan.

6           “(b)(1) For purposes of this title, an ‘individual with  
7 functional limitations’—

8           “(A) is an individual 18 years of age or over  
9 who—

10           “(i) cannot perform (without substantial  
11 human assistance, including supervision) at  
12 least 3 of the activities of daily living described  
13 in subparagraphs (A) through (E) of paragraph  
14 (2); or

15           “(ii) needs substantial human assistance or  
16 supervision because of cognitive or other mental  
17 impairment that—

18           “(I) impedes ability to function; or

19           “(II) causes behavior that poses a se-  
20 rious health or safety hazard to such indi-  
21 vidual or others; or

22           “(B) is a child who is receiving disability pay-  
23 ments, or would be eligible for such payments, but  
24 for the income or resource limitations considered for  
25 determining eligibility under title XVI of this Act.

1       “(2) The activities of daily living described in this  
2 paragraph are—

3               “(A) toileting;

4               “(B) eating;

5               “(C) transferring;

6               “(D) dressing; and

7               “(E) bathing.

8       “(c) For purposes of this title, the term ‘caregiver’  
9 means a spouse, parent, child, relative or other person  
10 who—

11               “(A) has primary responsibility (as defined by  
12 the Secretary) of providing care for one individual  
13 with functional limitations;

14               “(B) does not receive financial remuneration for  
15 providing such care for such individual; and

16               “(C) who has provided such care to such indi-  
17 vidual for a period of not less than 3 months.

18       “(d) For purposes of this title, the term ‘family  
19 caregiver support plan’ means a written plan, developed  
20 in cooperation with the caregiver and the individual with  
21 functional limitations to reflect their choices and pref-  
22 erences for the type, frequency, and duration of family  
23 caregiver support services to be provided under the plan.

24               “MAINTENANCE OF EFFORT

25       “SEC. 2105. States receiving payments under section  
26 2103 must maintain current levels of funding for family

1 caregiver support services to individuals with functional  
2 limitations and their caregivers in order to be eligible to  
3 continue to receive payments for such services under this  
4 title.”.

5 (b) EFFECTIVE DATE.—The amendment made by  
6 subsection (a) shall become effective with respect to serv-  
7 ices furnished on or after January 1, 1994.

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