



NATIONAL FAMILY CAREGIVERS ASSOCIATION

“It Doesn’t Have to Be This Hard”

Family Caregiver Friendly Legislation

An NFCA Commentary Originally Written 5/07

I’ve been spending quite a bit of time on Capitol Hill lately, meeting with Democratic and Republican legislators in the House and Senate, and I’m happy to report that there is definitely interest in helping family caregivers. In fact, NFCA has identified 15 bills introduced between January and April of this year that would have a positive impact on the lives of family caregivers, either because they would provide services or benefits for family caregivers directly or because they would improve care for our loved ones.

Many of these bills don’t have a chance to become law because of political or budgetary reasons; but the fact that they have been introduced represents a stake in the ground in support of caregiving families. The proposed legislation includes a tax credit for family caregivers, social security credits for those leaving the work force to care for a loved one, care coordination services for Medicare beneficiaries who have multiple chronic conditions, and more. To see a complete list of the bills and learn how they would help family caregivers, go to <http://www.thefamilycaregiver.org/pdfs/WASHINGTON-Legislation.doc>. A list through August 24, 2007 follows this introduction.

There already are some laws that help family caregivers; the Family and Medical Leave Act (FMLA) is a good example. It mandates that individuals working for companies that have at least 50 employees can take 12 weeks off to help an ill loved one. California has done one better and legislated that there must be some compensation for employees taking time off under the FMLA. The National Family Caregiver Support Program is another example of legislation that is helping family caregivers. It provides services through area agencies on aging and is the first piece of federal legislation that is targeted specifically to family caregivers. These and other actions on the state and national levels all point to a growing awareness of the needs of family caregivers and the realization that although caregiving is an issue that families deal with on a very personal level, society needs to support family caregivers and address the negative financial, emotional and physical consequences of their role.

For the promise of past initiatives to turn into expanded and ongoing programs in the future, family caregivers must become involved in the debate and speak up for what they and their loved ones need. In a representative democracy such as ours, the stories and voices of constituents make a very real difference and are often the reason some pieces of legislation actually get passed.

Summary of Caregiving Legislation in 110th Congress

Updated August 24, 2007

Currently, there are 15 bills pending in Congress related to family caregiving. Information on the bills is presented below in the following categories: Respite; Tax Bills; Social Security/Medicare/Medicaid Enhancements; Family Leave Enhancements; and Other Legislation.

Bill Number and Title	Sponsors	Status
<i>Respite</i>		
H.R. 1032 Alzheimer's Treatment and Caregiver Support Act	Rep. Maxine Waters (D-CA); 41 Cosponsors	Referred to House Committee on Energy and Commerce on February 13, 2007.
<p>How this helps family caregivers: Authorizes "such sums as may be necessary" for FY08-FY13 for expanded HHS grants for public and nonprofit-sector programs that combine Alzheimer's treatment with additional training and support services for family caregivers of Alzheimer's patients; at least 10% of the grants would have to be directed to health care facilities that primarily care for medically underserved communities.</p>		
S. 898, H.R. 1560 Alzheimer's Breakthrough Act	Sen. Barbara Mikulski (D-MD); 22 Cosponsors Rep. Edward Markey (D-MA); 47 Cosponsors	Referred to the Senate Committee on Health, Education, Labor and Pensions on March 15, 2007. Reported to the Senate with an amendment in the nature of a substitute and without a written report by the Senate Committee on Health, Education, Labor and Pensions and placed on the Senate Legislative Calendar on August 3, 2007. Referred to the House Committee on Energy and Commerce on March 19, 2007.
<p>How this helps family caregivers: The bill amends the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention. Among other things, it also requires the Director of the National Institute on Aging to conduct, or make grants for the conduct of, clinical, social, and behavioral research related to interventions designed to help caregivers of patients with Alzheimer's disease and related disorders and improve patient outcomes.</p>		
HR 2855 Wounded Heroes' Bill of Rights Act	Rep. Ciro Rodriguez (D-TX); No Cosponsors	Referred to the House Committees on Armed Services, Veterans' Affairs, and Ways and Means on June 25, 2007. Reported to the House amended by the House Foreign Affairs Committee and placed on the Union Calendar on July 23, 2007.

Bill Number and Title	Sponsors	Status
-----------------------	----------	--------

How this helps family caregivers: Provides for transitional emergency assistance to certain members of the armed forces and veterans who are severely injured while serving on active duty and expands and improves programs for family caregiver services for those members and veterans.

S. 1758 / H.R. 3001 Community Living Assistance Services and Supports (CLASS) Act	Sen. Edward Kennedy (D-MA) 2 Cosponsors Rep. Frank Pallone (D- NJ) 2 Cosponsors	Referred to Senate Committee on Health, Education, Labor, and Pensions on July 10, 2007. Referred to the House Committees on Energy and Commerce, Ways and Means, and Rules on July 11, 2007.
--	--	---

How this helps family caregivers: Establishes a national insurance program financed by voluntary payroll deductions to help individuals with functional impairments and their families pay for services and supports that they need to maximize their functionality and independence and have choices about community participation, education, and employment. Requires individuals to be at least 18 years old and have contributed to the program at least 5 years in order to qualify for benefits of between \$50 and \$100 a day. The bill allows beneficiaries to purchase services that assist them with daily activities, such as bathing and eating, as well as tasks related to communicating, managing money, housekeeping and taking medications. One stated purpose of the bill is "to alleviate burdens on family caregivers."

HR 3070 Disabled Veterans' Caregiver Compensation Act	Rep. Collin Peterson (D-MN) No Cosponsors	Referred to the House Committee on Veterans' Affairs on July 17, 2007.
--	---	---

How this helps family caregivers: Authorizes additional compensation to be paid to certain veterans in receipt of compensation for a service-connected disability rated totally disabling for whom a family member dependent on the veteran for support provides care.

S 1885 Military Family Job Protection Act	Sen. Barack Obama (D-IL) 11 Cosponsors	Referred to the Senate Committee on Health, Education, Labor and Pensions on July 26, 2007.
---	--	--

How this helps family caregivers: Provides certain employment protections for family members who are caring for members of the armed forces recovering from illnesses and injuries incurred on active duty.

Tax Bills

S. 614 Middle Class Opportunity Act	Sen. Charles Schumer (D-NY); 11 Cosponsors	Referred to the Senate Committee on Finance on February 15, 2007.
---	--	--

How this helps family caregivers: Amends the Internal Revenue Code to expand eligibility for the dependent care tax credit and allow such credit for expenses to care for parents and grandparents who do not reside with the taxpayer. Currently, a caregiver's mother or father must be living with them in order to claim the credit.

Bill Number and Title	Sponsors	Status
S. 897, H.R. 1807 Alzheimer's Family Assistance Act	Sen. Barbara Mikulski (D-MD); 19 Cosponsors Rep. Eddie Bernice Johnson (D-TX); 2 Cosponsors	Referred to Senate Committee on Finance on March 15, 2007. Referred to House Committee on Ways and Means on March 29, 2007.
How this helps family caregivers: Amends the Internal Revenue Code to: (1) allow a phased-in tax credit (\$1,000 in 2007 increasing by \$500 each year until allowing \$3,000 in 2011) for family caregivers of spouses and dependents who have long-term care needs; (2) allow a tax deduction for long-term care insurance premiums; and (3) apply certain consumer protection standards to long-term care insurance contracts.		
H.R. 1911 Tax Relief for Working Caregivers Act	Rep. Joe Donnelly (D- IN); 6 Cosponsors	Referred to House Committee on Ways and Means on April 18, 2007.
How this helps family caregivers: Amends the Internal Revenue Code to expand eligibility for the dependant care tax credit to allow such credit for expenses to care for parents and grandparents who do not reside with the taxpayer and who are physically or mentally incapable of caring for himself or herself. Currently, a caregiver's mother or father must be living with them in order to claim the credit.		
S. 158 Access to Affordable Health Care Act	Sen. Susan Collins (R- ME); 1 Cosponsor	Referred to Senate Committee on Finance on January 4, 2007.
How this helps family caregivers: Wide-ranging health care bill whose provisions include (1) tax credits to small businesses for qualified employee health insurance expenses; (2) tax credits for qualified health insurance; (3) deductions for long-term care insurance premiums; and (4) tax credits for individuals with long-term care needs (recipients only). This graduated tax credit begins at \$1,000 in FY05 and would rise yearly by \$500 increments until it reaches its ceiling of \$3,000 in FY09 and beyond.		
<i>Social Security / Medicare / Medicaid Enhancements*</i>		
H.R. 1161 Social Security Caregiver Credit Act	Rep. Nita Lowey (D- NY); No Cosponsors	Referred to the House Committee on Ways and Means on February 16, 2007.
How this helps family caregivers: Allows unpaid family caregivers to claim Social Security benefits, payable under the Old Age, Survivors and Disability Insurance, as if they had worked for a wage (according to a specified formula) during each month they were engaged for at least 80 hours in providing care to a dependent relative, for up to five years of such service.		

Bill Number and Title	Sponsors	Status
S. 1070, H.R. 1783 Elder Justice Act	Sen. Orrin Hatch (R-UT); 15 Cosponsors	Referred to the Senate Committee on Finance on March 29, 2007.
	Rep. Rahm Emanuel (D-IL); 75 Cosponsors	Referred to the House Committees on Ways and Means, Judiciary, Energy and Commerce, and Education and Labor on March 29, 2007.
<p>How this helps family caregivers: Amends the Social Security Act to establish an Elder Justice Program. The legislation provides federal funding for the Adult Protective Services; supports new forensic expertise in elder abuse; authorizes \$10 million for training, technical assistance, demonstration programs, and research to improve long-term care ombudsman effectiveness in addressing abuse and neglect; authorizes \$20 million in grants to enhance long-term care staffing through training employee incentives; and improves the quality of information and research related to elder abuse.</p>		
S. 1340, H.R. 2244 Geriatric Assessment and Chronic Care Coordination Act	Sen. Blanche Lincoln (D-AR); 10 Cosponsors	Referred to Senate Committee on Finance on May 9, 2007.
	Rep. Gene Greene (X-TX); 6 Cosponsors	Referred to the House Committees on Ways and Means and Energy and Commerce on May 9, 2007.
<p>How this helps family caregivers: The bill authorizes coverage of geriatric assessments and chronic care coordination services in the Medicare fee-for-service program for certain high-cost beneficiaries who have either multiple chronic conditions <i>or</i> dementia and at least one chronic condition. Chronic care involves the treatment of multiple health conditions that limit the patient. The current Medicare program penalizes physicians for coordinating healthcare because they are not paid for these services, resulting with episodic care to generate more visits. Under this new benefit, Medicare would pay physicians and other eligible providers to provide geriatric assessments and coordinate chronic care.</p>		
<p>A geriatric assessment is a comprehensive review of an individual's medical condition, functional and cognitive capacity, as well as caregiver, environmental, and psychosocial needs. A written care plan will identify problems, therapies, and assignments for future actions. Individuals who have been assessed and deemed likely to benefit from care coordination services may elect to use this benefit and choose a chronic care manager. Care managers may include Medicare-approved physicians, physician assistants, nurse practitioners, clinical nurse specialists, and/or clinical social workers. Chronic care services may include: (1) development/implementation of a care plan coordinated with physicians, medical personnel, and agencies; (2) use of evidence-based medicine and clinical decision support; (3) use of health information technology to track patients' health status; (4) education and encouragement so that patients manage their own health; (5) medication monitoring and management; (6) telephone consultations, including 24-hour availability; (7) education and inclusion of caregivers into the planning process; (8) management of transitions among healthcare professionals and settings of care; and (9) referrals to community services and hospice services.</p>		

Bill Number and Title	Sponsors	Status
S. 799, H.R. 1621 Community Choice Act	Sen. Tom Harkin (D-IA); 16 Cosponsors	Referred to Senate Committee on Finance on March 7, 2007.
	Rep. Danny Davis (D-IL); 26 Cosponsors	Referred to House Committee on Energy and Commerce on March 21, 2007.
<p>How this helps family caregivers: The bill increases access to community-based services and other supports for Americans with disabilities and older Americans by requiring state Medicaid plan coverage of such attendant services and supports. It gives individuals who are eligible for nursing home services or other institutional care equal access to community-based services and supports. The legislation also provides enhanced federal matching funds to help states develop their long-term care infrastructure and grant funds to help states increase their ability to provide home and community-based services.</p>		
<p><i>Family Leave Enhancements</i></p>		
S. 910, H.R. 1542 Healthy Families Act	Sen. Edward Kennedy (D-MA); 22 Cosponsors	Referred to the Senate Committee on Health, Education, Labor and Pensions on March 15, 2007.
	Rep. Rosa DeLauro (D-CT); 53 Cosponsors	Referred to the House Committees on Education and Labor, Oversight and Government Reform, and House Administration on March 15, 2007.
<p>How this helps family caregivers: Provides paid sick leave to employees “to ensure that Americans can address their own health needs and the health needs of their families.” Specifically, the Act mandates that certain employers with at least 15 employees provide a minimum paid sick leave of seven days annually for those who work at least 30 hours per week, as well as a prorated amount for those who work 20-30 hours per week – notably, allows employees to use such leave to meet their own <u>or</u> their families’ medical needs.</p>		
H.R. 1369 Family and Medical Leave Expansion Act	Rep. Carolyn Maloney (D-NY); 1 Cosponsor	Referred to the House Committees on Education and the Workforce, Oversight and Government Reform, and House Administration on March 7, 2007.
<p>How this helps family caregivers: (1) amends the Family and Medical Leave Act to enable the Secretary of Labor to authorize five-year grants to a State or local government to replace lost wages for individuals caring for a newly born or adopted child or taking care of “other family caregiving needs;” (2) authorizes \$400 million in FY07 for the grants.</p>		
H.R. 2392 Family and Workplace Balancing Act	Rep. Lynn Woosley (D-CA); 62 Cosponsors	Referred to the House Administration, House Armed Services, House Education and Labor, House Financial Services, House Oversight and Government Reform on May 17, 2007.

Bill Number and Title	Sponsors	Status
<p>How this helps family caregivers: The bill aims to improve the lives of working families by providing family and medical need assistance, child care assistance, in-school and after-school assistance, family care assistance, and encouraging the establishment of family-friendly workplaces. The bill, ambitious in scope, makes grants to eligible entities to assist families by providing wage replacement for individuals who are responding to family caregiving needs. For the wage replacements, there is authorized to be appropriated \$400,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2013. The bill also supports family child care providers for young children, including those with disabilities, through support networks and programs. For the child care programs, there is authorized to be appropriated \$500,000,000 for each of the fiscal years 2008, 2009, and 2010.</p>		
<p>S 1649 Military Family Support Act</p>	<p>Sen. Russ Feingold (D-WI); 4 Cosponsors</p>	<p>Referred to the Senate Committee on Homeland Security and Governmental Affairs on June 19, 2007.</p>
<p>How this helps family caregivers: Provides for two programs to authorize the use of leave by caregivers for family members of certain individuals performing military service.</p>		
<p>HR 2792 Family and Medical Leave Inclusion Act</p>	<p>Rep. Carolyn Maloney (D-NY); 6 Cosponsors</p>	<p>Referred to the House Committees on Education and Labor and Oversight and Government Reform on June 20, 2007.</p>
<p>How this helps family caregivers: Amends the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling or grandparent who has a serious health condition.</p>		
<p>S.1681 Family Leave Insurance Act</p>	<p>Sen. Chris Dodd (D- CT); 3 Cosponsors</p>	<p>Referred to the Senate Finance Committee on June 21, 2007.</p>
<p>How this helps family caregivers: Provides up to 8 weeks of paid leave over a 12-month period to workers needing time off due to the birth or adoption of a child, to care for a child, spouse or parent with serious illness or to care for their own serious illness. Employees will have had to work for the same employer and pay insurance premiums for 12 months to receive the benefits. To perform this Act, a Family Leave Insurance Fund will be created. Employees, employers, and the federal government will share the costs of providing compensation during these times of need.</p>		
<p><i>Other Legislation</i></p>		
<p>S. 1065 Heroes at Home Act</p>	<p>Sen. Hilary Clinton (D-NY); 8 Cosponsors</p>	<p>Referred to the Committee on Armed Services on March 29, 2007.</p>

Bill Number and Title	Sponsors	Status
<p>How this helps family caregivers: Requires the Secretary of Veterans Affairs to establish a program on training and certification of family caregivers of veterans and members of the Armed Forces with traumatic brain injury as personal care attendants of such veterans and members. The cost of training is borne by the Secretary of Veterans Affairs. In addition, a family caregiver of a veteran or member of the Armed Forces who receives certification as a personal care attendant would be eligible for compensation from the Department of Veterans Affairs for care provided to such veteran or member.</p>		

- Note: The Medicare program does not cover most types of long-term assistance given by family caregivers at home. Medicare does provide up to 35 hours per week of skilled nursing care in the home, but the program does not help to pay for associated “custodial care” expenses, such as helping an incapacitated relative to shop, eat, clean, bathe, and dress. Medicare also does not cover most types of training to help caregivers learn how best to look after their families. The bills in this section address some of Medicare’s shortcomings in these areas.

This series was made possible by an unrestricted educational grant from AstraZeneca