

12/7/87

30:4F-7

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:4F-7 (Statewide respite care program)

CHAPTER 119

Laws Of: 1987

Bill No: A3287

Sponsor(s): Crecco and others

Date Introduced: October 2, 1986

Committee: **Assembly:** Senior Citizens

Senate: -----

Amended during passage: Yes Substituted for S2167 (not attached since identical to A3287)

Date of Passage: **Assembly:** December 15, 1986

Senate: February 23, 1987

Date of Approval: May 14, 1987

Following statements are attached if available:

Sponsor statement: Yes Attached: Senate amendments adopted 2-19-87 (with statement)

Committee statement: **Assembly** Yes
Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

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ASSEMBLY, No. 3287

STATE OF NEW JERSEY

INTRODUCED OCTOBER 2, 1986

By Assemblywoman CRECCO, Assemblyman ROONEY, Assemblywomen Donovan, Randall, Assemblymen Catrillo, Dario, Assemblywoman Smith, Assemblymen Gargiulo, Arango, Singer, Kelly and Frelinghuysen

AN ACT establishing a respite care program for family caregivers of frail elderly and other functionally impaired adults.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The Legislature finds that there is a clear need to establish
2 a program of respite care to assist families in the care of their
3-4 elderly and functionally impaired family members. Most func-
5 tionally impaired adults prefer to be cared for in their homes by
6 family and friends whom they trust and feel comfortable with,
7 and where they can continue to make valuable contributions to fam-
8 ily life. Nearly all of the care provided to functionally impaired
9 adults is given by family members who are not compensated for
10 their services. They provide full-time care, often with little help
11 from other family members or the community. This family in-
12 volvement is a critical element in enabling persons who otherwise
13 might be institutionalized to remain in their own home environ-
14 ment. Without relief and support, however, caregivers may be-
15 come unable to continue in the caregiving role. The consequence
16 may be unavoidable and irreversible institutionalization of the
17 dependent adult and an added burden on public funds.

18 The Legislature further finds that there is a compelling need
19 to support caregivers of functionally impaired adults in their
20 efforts to keep the family intact. Providing respite and related

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate amendment adopted February 19, 1987.

21 services is a major mechanism for this support. Respite serves
22 to relieve some of the daily stresses of caregiving, to improve
23 the quality of life for functionally impaired adults and their care-
24 givers, to maintain the integrity of the family unit, to strengthen
25 personal and social support systems and to deter institutional-
26 ization.

27 The Legislature, therefore, declares that it is the policy of the
28 State to provide a structure for the establishment of respite ser-
29 vices which will provide relief and support to family or other
30 unpaid caregivers from the demands of daily care of frail elderly
31 or other functionally impaired adult family members; to encourage
32 families to provide care for functionally impaired dependents at
33 home, and thus offer an alternative to long-term institutional
34 placement; to expand the continuum of supportive services for
35 the functionally impaired and their families; to ensure that respite
36 care and related supportive services are made available on a slid-
37 ing fee basis to eligible persons not covered under other programs;
38 and to assist families in securing the respite services, including
39 information and peer support, which are necessary for their con-
40 tinued care of a functionally impaired family member.

1 2. As used in this act:

2 a. "Caregiver" means a spouse, parent, child, relative or other
3 person who is 18 years of age or older and who has the primary
4 responsibility of providing daily care for the eligible person and
5 who does not receive financial remuneration for the care.

6 b. "Commissioner" means the Commissioner of the State De-
7 partment of Human Services.

8 c. "Co-payment" means financial participation in service costs
9 by the eligible person according to a sliding fee schedule promul-
10 gated by the commissioner.

11 d. "Department" means the State Department of Human
12 Services.

13 e. "Eligible person" means a functionally impaired person
14 18 years of age or older who would become at risk of long-term
15 institutional placement if his regular caregiver could not continue
16 in that role without the assistance of temporary home and com-
17 munity support services, including respite care.

18 f. "Functionally impaired" means the presence of a chronic
19 physical or mental disease, illness, or disability as certified by the
20 physician or a sponsor-provided assessment team, which causes
21 physical dependence on others, and which leaves a person unable
22 to attend to his basic daily needs without the substantial assistance
23 or continuous supervision of a caregiver.

24 g. "Provider" means a person, public agency, private nonprofit
 25 agency or proprietary agency which is licensed, certified, or other-
 26 wise approved by the commissioner to supply any service or
 27 combination of services described in subsection h. of this section.

28 h. "Respite" or "respite care" means the provision of tem-
 29 porary, short-term care for, or the supervision of, an eligible
 30 person on behalf of the caregiver, in emergencies or on an inter-
 31 mittent basis to relieve the daily stresses and demands of caring
 32 for the functionally impaired adult. Respite may be provided
 33 hourly, daily, overnight or on weekends, may be paid or volunteer,
 34 but may not exceed service and cost limitations as determined by
 35 the commissioner. Respite includes, but is not limited to, the
 36 following services:

- 37 (1) companion or sitter services;
- 38 (2) homemaker and personal care services;
- 39 (3) adult day care;
- 40 (4) short-term inpatient care in a facility meeting stan-
 41 dards which the commissioner determines to be appropriate
 42 to provide the care;
- 43 (5) emergency care; and
- 44 (6) peer support and training for caregivers.

45 i. "Service plan" means a written document agreed upon by the
 46 eligible person, the caregiver and the sponsor. The service plan
 47 shall take into account other services and resources available to
 48 the eligible person and his caregiver. Services provided pursuant
 49 to this act shall not be used to duplicate or supplant existing
 50 services or resources available to the eligible person and his
 51 caregiver. The plan shall:

- 52 (1) Document the needs of the eligible person and caregiver for
 53 respite care services, using a needs assessment procedure pro-
 54 vided or approved by the department;
- 55 (2) Identify the outcomes to be achieved and the specific respite
 56 care services to be provided to the eligible person and the care-
 57 giver to meet their identified needs;
- 58 (3) Estimate the frequency and duration of the respite care
 59 services;
- 60 (4) Estimate the total cost of the plan and the co-payment an
 61 eligible person is required to contribute toward the cost of ser-
 62 vices provided under the plan.

63 j. "Sponsor" means the county or regional agency, either public
 64 or private nonprofit, which contracts with the department to ad-
 65 minister the local respite program, and which is responsible for

66 the recruitment of and payment to providers, the general super-
 67 vision of the local programs, and the submission of information
 68 or reports which may be required by the commissioner. Sponsors
 69 shall be selected according to criteria established by the com-
 70 missioner which shall include demonstrated support from the
 71 county government. Criteria shall also include the potential spon-
 72 sor's demonstrated ability to coordinate the funds available for
 73 this program with other funding sources and to obtain matching
 74 or inkind contributions.

1 3. The commissioner shall establish a Statewide Respite Care
 2 Program within the Department of Human Services to be ad-
 3 ministered by sponsors designated by the commissioner. Alloca-
 4 tions of funds for respite services pursuant to this act to each
 5 county or region shall be based on its share of the targeted popu-
 6 lation according to the following formula:

$$7 \quad \text{County Allocation} = \frac{C \times (A + B)}{(D + E)}$$

8 where, A equals the county population of persons age 75 years or
 9 older; B equals the county population of functionally impaired
 10 adults under the age of 75 according to the most recent data avail-
 11 able to the commissioner; C equals the annual amount of funds ap-
 12 propriated for the purpose of this act, minus those funds retained
 13 for State administration; D equals the State population of persons
 14 age 75 years or older; and E equals the State population of func-
 15 tionally impaired adults under the age of 75.

1 4. A sponsor shall annually determine the maximum number of
 2 eligible persons to be served in each county or region, based upon
 3 the service and cost limitations promulgated by the commissioner
 4 and the county allocation and other funds which may be available
 5 for the purposes of this act, and shall not admit or serve more
 6 eligible persons than can be afforded with available resources.
 7 Each sponsor shall maintain a waiting list of those eligible persons
 8 awaiting receipt of respite care, according to standards promul-
 9 gated by the commissioner.

1 5. If an eligible person's respite services are covered in whole
 2 or in part by another State or federal government program or
 3 insurance contract, the government program or insurance carrier
 4 shall be the primary payer and the Statewide Respite Care Pro-
 5 gram shall be the secondary payer. The sponsor shall be re-
 6 sponsible for determining all sources of payment, for collecting
 7 all co-payments, and for determining eligibility according to stan-
 8 dards promulgated by the commissioner.

1 6. The commissioner shall promulgate rules and regulations in
 2 accordance with the "Administrative Procedure Act," P. L. 1968,
 3 c. 410 (C. 52:14B-1 et seq.) necessary to effectuate the purposes
 4 of this act. The rules and regulations shall include, but not be
 5 limited to, the following:

- 6 a. Standards for eligibility for respite care service;
- 7 b. Target populations and situations to be given priority
 8 in receiving services;
- 9 c. Qualifications and requirements of sponsors and pro-
 10 viders;
- 11 d. Provider reimbursement and payment levels for respite
 12 care services;
- 13 e. Service and cost limitations for eligible persons;
- 14 f. A sliding scale fee schedule for co-payments; and
- 15 g. Procedures for reporting on implementation of the
 16 program.

1 7. The commissioner shall take any actions which may be ap-
 2 propriate to maximize federal financial participation in the im-
 3 plementation or the expansion of respite care services under this
 4 act.

1 8. The commissioner shall report to the Legislature and the
 2 Governor within two years of the effective date of this act and
 3 annually thereafter on the effectiveness of the Statewide Respite
 4 Program.

1 9. Not more than ***[15%]*** *10%* of the amounts available for
 2 the Statewide Respite Care Program shall be used for admin-
 3 istrative and staff costs. The cost of recruiting, training, and
 4 supervising volunteer companions shall not be construed as ad-
 5 ministrative costs for the purposes of this act.

1 10. This act shall take effect on the 120th day following enact-
 2 ment.

HUMAN SERVICES—GENERAL

Establishes a Statewide Respite Care Program.

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 16 program.

1 7. The commissioner shall take any actions which may be ap-
 2 propriate to maximize federal financial participation in the im-
 3 plementation or the expansion of respite care services under this
 4 act.

1 8. The commissioner shall report to the Legislature and the
 2 Governor within two years of the effective date of this act and
 3 annually thereafter on the effectiveness of the Statewide Respite
 4 Program.

1 9. Not more than 15% of the amounts available for the State-
 2 wide Respite Care Program shall be used for administrative and
 3 staff costs. The cost of recruiting, training, and supervising vol-
 4 unteer companions shall not be construed as administrative costs
 5 for the purposes of this act.

1 10. This act shall take effect on the 120th day following enact-
 2 ment.

STATEMENT

This bill creates a Statewide Respite Care Program within the Department of Human Services to be administered by sponsors designated by the Commissioner of Human Services. It establishes a respite care program to provide relief and support to family or other unpaid caregivers from the demands of the daily care of frail elderly and other functionally impaired persons.

By expanding the continuum of supportive services for the functionally impaired and their caregivers, this bill encourages individuals to provide care for functionally impaired persons at

home and, therefore, offers an alternative to long-term institutional placement. This bill provides for a sliding fee scale, based on income and ability to pay, to determine the functionally impaired person's share in the costs of the respite care.

HUMAN SERVICES—GENERAL

Establishes a Statewide Respite Care Program.

ASSEMBLY SENIOR CITIZENS COMMITTEE
STATEMENT TO
ASSEMBLY, No. 3287
STATE OF NEW JERSEY

DATED: DECEMBER 4, 1986

The Assembly Senior Citizens Committee favorably reports Assembly Bill No. 3287.

The purpose of this bill is to establish a Statewide Respite Care Program in the Department of Human Services which will be administered by public or private nonprofit county or regional agencies designated as sponsors by the Commissioner of Human Services.

The bill establishes a respite care program to provide relief and support to family or other unpaid caregivers from the demands of the daily care of frail elderly and other functionally impaired persons. The bill encourages individuals to provide care at home for these persons by expanding the continuum of supportive services for the functionally impaired and their caregivers and can serve as an alternative to long-term institutional placement. Respite care services include companion or sitter services, homemaker and personal care services, adult day care, short-term inpatient care, emergency care and peer support and training for caregivers.

The bill allocates respite service funds to counties according to a formula based on the proportion of the counties' populations that are 75 years of age or older and functionally impaired. The bill provides for a sliding fee scale, based on income and ability to pay, to determine the functionally impaired person's share in the costs of the respite care.

HS0068
SC H2004
TR H2004

SENATE FLOOR Amendments
Proposed by Senator Costa

to

ASSEMBLY BILL No. 3287
Sponsored by Assemblywoman Crecco and
Assemblyman Rooney

ADOPTED

FEB 19 1987

Sec.	Line	
9	1	Omit "15%" Insert "10%"

STATEMENT

This amendment reduces the percentage of program funds that may be spent on administrative and staff costs from 15% to 10%. The amendment conforms this administrative cost limitation provision with that contained in the Senate Committee Substitute for Senate Bill Nos. 2167 (OCR) and 2716 2OCR.

974.401
G61



OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001

Contact: JOHN SAMERJAN
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TRENTON, N.J. 08625

Release: THUR., MAY 14, 1987

Governor Thomas H. Kean today signed legislation establishing a statewide respite care program to aid those giving family-care to frail, elderly, or impaired adults.

In remarks at the public bill signing ceremony at the Belleville Senior Citizen Center, Governor Kean stated, "Today New Jersey helps people to help their elderly family members. Now we can give them a break from the unceasing demands of care. We can help hundreds of families who had nowhere else to turn."

Recognizing that a large percentage of long-term care services are now provided by family, friends, or community volunteers, Governor Kean called for the respite care program in his annual message to the Legislature as a means to give State support to the care-givers of the elderly. The program provides further support for home-health care which allows families to stay intact.

The respite care program will provide services including companion and sitter services, homemaker and personal care, adult day care, short-term inpatient care, emergency care and peer support and training for caregivers.

The program will be administered by public and non-profit private county or regional agencies designated by the Department of Human Services.

The legislation, A-3287, was sponsored by Assemblyman Marion Crecco, R-Essex, Assemblyman John Rooney, R-Bergen and Senator Catherine Costa, D-Burlington.

-more-

A-3287 Signed
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May 14, 1987

In the current fiscal year, \$1 million was appropriated for the phasing in of the program. Currently three counties, Hudson, Mercer and Burlington are running demonstration projects implementing respite care.

A further \$1 million appropriated is contained in the fiscal 1988 budget request.

The legislation is effective 120 days after signing.

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