

CHAPTER 289

AN ACT concerning respite care and amending P.L.1987, c.119.

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

1. Section 2 of P.L.1987, c.119 (C.30:4F-8) is amended to read as follows:

C.30:4F-8 Definitions.

2. As used in this act:

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

b. "Commissioner" means the Commissioner of the State Department of Human Services.

c. "Co-payment" means financial participation in service costs by the eligible person according to a sliding fee schedule promulgated by the commissioner.

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

e. "Eligible person" means a functionally impaired person 18 years of age or older who would become at risk of long-term institutional placement if his regular caregiver could not continue in that role without the assistance of temporary home and community support services, including respite care. The term includes an eligible veteran as defined in this section.

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

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

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

(1) companion or sitter services;

(2) homemaker and personal care services;

(3) adult day care;

(4) short-term inpatient care in a facility meeting standards which the commissioner determines to be appropriate to provide the care;

(5) emergency care; and

(6) peer support and training for caregivers.

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

- (1) Document the needs of the eligible person and caregiver for respite care services, using a needs assessment procedure provided or approved by the department;
- (2) Identify the outcomes to be achieved and the specific respite care services to be provided to the eligible person and the caregiver to meet their identified needs;
- (3) Estimate the frequency and duration of the respite care services;
- (4) Estimate the total cost of the plan and the co-payment an eligible person is required to contribute toward the cost of services provided under the plan.

j. "Sponsor" means the county or regional agency, either public or private nonprofit, which contracts with the department to administer the local respite program, and which is responsible for the recruitment of and payment to providers, the general supervision of the local programs, and the submission of information or reports which may be required by the commissioner. Sponsors shall be selected according to criteria established by the commissioner which shall include demonstrated support from the county government. Criteria shall also include the potential sponsor's demonstrated ability to coordinate the funds available for this program with other funding sources and to obtain matching or in kind contributions.

k. "Eligible veteran" means a person with a functional impairment arising out of service in the active military or naval service of the United States in any war or conflict on or after September 11, 2001 who has been honorably discharged or released from that service under conditions other than dishonorable, and meets the requirements for total disability ratings for compensation based upon unemployability of the individual as determined by the United States Department of Veterans Affairs.

2. Section 4 of P.L.1987, c.119 (C.30:4F-10) is amended to read as follows:

C.30:4F-10 Eligibility.

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

Notwithstanding any other provision of law to the contrary, an eligible veteran shall not be found to be ineligible to receive respite care based on the veteran's income or liquid resources if they do not exceed \$80,000 for a couple or \$60,000 for a single person.

3. This act shall take effect immediately.

Approved January 19, 2016.