

LEGISLATIVE BILL 148

Approved by the Governor May 26, 1999

Introduced by Byars, 30; Thompson, 14; Schimek, 27

AN ACT relating to health care; to state findings; to establish the Nebraska Lifespan Respite Services Program; and to provide for community lifespan respite services programs.

Be it enacted by the people of the State of Nebraska,

Section 1. The Legislature finds that:

(1) Supporting the efforts of families and caregivers to care for individuals at home is efficient, cost-effective, and humane. Families receiving occasional respite services are less likely to request admission of an individual to a nursing home, foster care, or other out-of-home care at public expense;

(2) Respite services reduce family and caregiver stress, enhance family and caregiver coping ability, and strengthen family and caregiver ability to meet the challenging demands of caring for family members;

(3) Respite services reduce the risk of abuse and neglect of children, senior citizens, and other vulnerable groups; and

(4) Coordinated, noncategorical respite services must be available locally to provide reliable respite services when needed by families and caregivers regardless of where they live in Nebraska.

Sec. 2. For purposes of sections 1 to 9 of this act:

(1) Caregiver means an individual providing ongoing care for an individual unable to care for himself or herself;

(2) Community lifespan respite services program means a noncategorical respite services program that:

(a) Is operated by a community-based private nonprofit or for-profit agency or a public agency that provides respite services;

(b) Receives funding through the Nebraska Lifespan Respite Services Program established under section 3 of this act;

(c) Serves an area in one or more of the six regional services areas of the department;

(d) Acts as a single local source for respite services information and referral; and

(e) Facilitates access to local respite services;

(3) Department means the Department of Health and Human Services;

(4) Noncategorical care means care without regard to the age, type of special needs, or other status of the individual receiving care;

(5) Provider means an individual or agency selected by a family or caregiver to provide respite services to an individual with special needs;

(6) Respite care means the provision of short-term relief to primary caregivers from the demands of ongoing care for an individual with special needs; and

(7) Respite services includes:

(a) Recruiting and screening of paid and unpaid respite care providers;

(b) Identifying local training resources and organizing training opportunities for respite care providers;

(c) Matching of families and caregivers with providers and other types of respite care;

(d) Linking families and caregivers with payment resources;

(e) Identifying, coordinating, and developing community resources for respite services;

(f) Quality assurance and evaluation; and

(g) Assisting families and caregivers to identify respite care needs and resources.

Sec. 3. The Director of Health and Human Services shall establish the Nebraska Lifespan Respite Services Program to develop and encourage statewide coordination of respite services and to work with community-based private nonprofit or for-profit agencies, public agencies, and interested citizen groups in the establishment of community lifespan respite services programs. The Nebraska Lifespan Respite Services Program shall:

(1) Provide policy and program development support, including, but not limited to, data collection and outcome measures;

(2) Identify and promote resolution of local and state-level policy concerns;

(3) Provide technical assistance to community lifespan respite

services programs;

(4) Develop and distribute respite services information;

(5) Promote the exchange of information and coordination among state and local governments, community lifespan respite services programs, agencies serving individuals unable to care for themselves, families, and respite care advocates to encourage efficient provision of respite services and reduce duplication of effort;

(6) Ensure statewide access to community lifespan respite services programs; and

(7) Monitor and evaluate implementation of community lifespan respite services programs.

Sec. 4. (1) The department, through the Nebraska Lifespan Respite Services Program, shall coordinate the establishment of community lifespan respite services programs. The program shall accept proposals submitted in the form and manner required by the program from community-based private nonprofit or for-profit agencies or public agencies that provide respite services to operate community lifespan respite services programs. According to criteria established by the department, the Nebraska Lifespan Respite Services Program shall designate and fund agencies described in this section to operate community lifespan respite services programs.

(2) The Director of Health and Human Services shall create the position of program specialist for the Nebraska Lifespan Respite Services Program to administer the program.

Sec. 5. Each community lifespan respite services program established pursuant to section 4 of this act shall:

(1) Involve key local individuals and agencies in the community lifespan respite services program planning process; and

(2) Create an advisory committee to advise the community lifespan respite services program on how the program may best serve the needs of families and caregivers of individuals unable to care for themselves. Other members shall include respite services providers, representatives of local service agencies, consumers, and other community representatives. Committee membership shall represent senior citizens, individuals with special needs, and families at risk of abuse and neglect.

Sec. 6. Respite services made available through the Nebraska Lifespan Respite Services Program shall:

(1) Include a flexible array of respite care options responsive to family and caregiver needs and available before families and caregivers are in a crisis;

(2) Be sensitive to the unique needs, strengths, and cultural values of an individual, family, or caregiver;

(3) Offer the most efficient access to an array of coordinated respite services that are built on existing community support and services;

(4) Be driven by community strengths, needs, and resources; and

(5) Use a variety of funds and resources, including, but not limited to:

(a) Family or caregiver funds;

(b) Private and volunteer resources;

(c) Public funds; and

(d) Exchange of care among families or caregivers.

Sec. 7. The department shall adopt and promulgate rules and regulations for the operation and administration of the Nebraska Lifespan Respite Services Program, including, but not limited to:

(1) Criteria, procedures, and timelines for designation of the community-based private nonprofit or for-profit agencies or public agencies that will receive funding to provide respite services under community lifespan respite services programs; and

(2) A requirement that each community lifespan respite services program publicize the telephone number and address where families and caregivers may contact the program.

Sec. 8. The department shall establish at least six community lifespan respite services programs in Nebraska on or before July 1, 2000.

Sec. 9. The Nebraska Lifespan Respite Services Program may use the funds appropriated to the program for the following purposes:

(1) The purposes established in sections 3 and 4 of this act;

(2) Costs related to developing provider recruitment and training, information and referral, outreach, and other components of the provision of respite services;

(3) One-time-only startup costs related to the establishment of the community lifespan respite services program; and

(4) Minimum administrative costs for operating the Nebraska Lifespan Respite Services Program.