

# ASSEMBLY, No. 3554

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED JULY 11, 2014

**Sponsored by:**

**Assemblyman VINCENT MAZZEO**

**District 2 (Atlantic)**

**Assemblyman BOB ANDRZEJCZAK**

**District 1 (Atlantic, Cape May and Cumberland)**

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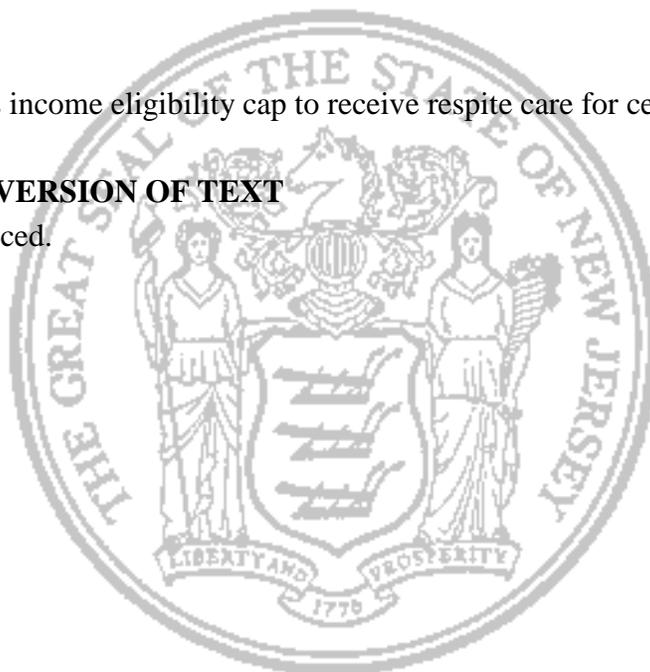
**Assemblymen Giblin, Johnson, Lagana, Conaway, Eustace,  
Assemblywomen Vainieri Huttler, Tucker, Assemblymen Fuentes,  
Singleton, DeAngelo, Assemblywoman Stender, Assemblyman Cryan,  
Assemblywomen Spencer, Jimenez, Assemblyman Garcia and  
Assemblywoman Lampitt**

**SYNOPSIS**

Eliminates income eligibility cap to receive respite care for certain veterans.

**CURRENT VERSION OF TEXT**

As introduced.



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

2

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

5

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

8 2. As used in this act:

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

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

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

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

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

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

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

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

45 (1) companion or sitter services;

**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 underlined thus is new matter.**

- 1 (2) homemaker and personal care services;
- 2 (3) adult day care;
- 3 (4) short-term inpatient care in a facility meeting standards
- 4 which the commissioner determines to be appropriate to provide the
- 5 care;
- 6 (5) emergency care; and
- 7 (6) peer support and training for caregivers.

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

15 (1) Document the needs of the eligible person and caregiver for  
16 respite care services, using a needs assessment procedure provided  
17 or approved by the department;

18 (2) Identify the outcomes to be achieved and the specific respite  
19 care services to be provided to the eligible person and the caregiver  
20 to meet their identified needs;

21 (3) Estimate the frequency and duration of the respite care  
22 services;

23 (4) Estimate the total cost of the plan and the co-payment an  
24 eligible person is required to contribute toward the cost of services  
25 provided under the plan.

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

38 k. "Eligible veteran" means a person with a functional  
39 impairment arising out of service in the active military or naval  
40 service of the United States in any war or conflict on or after  
41 September 11, 2001 who has been honorably discharged or released  
42 from that service.

43 (cf: P.L.1987, c.119, s.2)

44

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

47 4. A sponsor shall annually determine the maximum number of  
48 eligible persons to be served in each county or region, based upon

1 the service and cost limitations promulgated by the commissioner  
2 and the county allocation and other funds which may be available  
3 for the purposes of this act, and shall not admit or serve more  
4 eligible persons than can be afforded with available resources.  
5 Each sponsor shall maintain a waiting list of those eligible persons  
6 awaiting receipt of respite care, according to standards promulgated  
7 by the commissioner.

8 Notwithstanding any other provision of law to the contrary, an  
9 eligible veteran shall not be found to be ineligible to receive respite  
10 care based on the veteran's income or liquid resources.

11 (cf: P.L.1987, c.119, s.4)

12

13 3. This act shall take effect immediately.

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#### STATEMENT

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18 This bill would provide that certain military veterans who have a  
19 functional impairment may not be found to be ineligible to receive  
20 respite care services under the Statewide Respite Care Program  
21 based on the veteran's income or liquid resources.

22 Current regulations provide that the maximum income level to  
23 qualify for the Statewide Respite Care Program is 300 percent of  
24 the Federal Supplemental Security Income standard for an  
25 individual living alone, and that the person's maximum liquid  
26 resources may not exceed \$40,000 for a single person or \$60,000  
27 for a couple who are both dependent on a caregiver. This bill  
28 would require that a veteran who served in the U.S. military on or  
29 after September 11, 2001, and who has a functional impairment  
30 arising out of that service, is not subject to these eligibility  
31 restrictions.

32 Respite care provides a form of relief and support to caregivers  
33 who provide home care for family and loved ones who are elderly  
34 or who have a functional impairment, often without pay. Respite  
35 care can take the form of companion or sitter services, homemaker  
36 and personal care services, adult day care, short-term inpatient care,  
37 emergency care, and peer support and training for caregivers.