

ASSEMBLY, No. 4088

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Modifies definition of “caregiver” for purposes of Statewide Respite Care Program.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the Statewide Respite Care Program and
2 amending P.L.1987, c.119.

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

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

9 2. As used in this act:

10 a. "Caregiver" means a spouse, parent, child, relative, or other
11 person who: (1) is 18 years of age or older **[and who]**; (2) has the
12 primary responsibility of providing **[daily]** care for **[the]** an
13 eligible person for at least two days per week; and **[who]** (3) may
14 receive free or discounted room and board in association with, but
15 does not receive any other financial remuneration for, the provision
16 of care to the eligible person.

17 b. "Commissioner" means the Commissioner of **[the**
18 **Department of]** Human Services.

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

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

23 e. "Eligible person" means a person 18 years of age or older
24 with a functional impairment who would become at risk of long-
25 term institutional placement if the individual's regular caregiver
26 could not continue in that role without the assistance of temporary
27 home and community support services, including respite care. The
28 term includes an eligible veteran as defined in this section.

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

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

39 h. "Respite" or "respite care" means the provision of
40 temporary, short-term care for, or the supervision of, an eligible
41 person on behalf of the caregiver, either in **[emergencies]** an
42 emergency or on an intermittent basis, to relieve the **[daily]**
43 stresses and demands of caring for an adult with a functional
44 impairment. Respite may be provided hourly, daily, overnight, or
45 on weekends, **[may be]** on either a paid or volunteer basis, but may

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 not exceed service and cost limitations as determined by the
2 commissioner. Respite includes, but is not limited to, the following
3 services:

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

12 i. "Service plan" means a written document agreed upon by the
13 eligible person, the caregiver, and the sponsor. The service plan
14 shall take into account other services and resources available to the
15 eligible person and **his** the person's caregiver. Services provided
16 pursuant to P.L.1987, c.119 (C.30:4F-7 et seq.) shall not be used to
17 duplicate or supplant existing services or resources available to the
18 eligible person and the person's caregiver. The plan shall:

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

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

42 k. "Eligible veteran" means a person with a functional
43 impairment arising out of service in the active military or naval
44 service of the United States in any war or conflict on or after
45 September 11, 2001 who has been honorably discharged or released
46 from that service under conditions other than dishonorable, and who
47 meets the requirements for total disability ratings for compensation

1 based upon unemployability of the individual as determined by the
2 United States Department of Veterans Affairs.
3 (cf: P.L.2017, c.131, s.120)

4
5 2. This act shall take effect immediately.

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8 STATEMENT

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10 This bill would modify the definition of “caregiver” for the
11 purposes of the Statewide Respite Care Program (SRCP), which is
12 operated under the jurisdiction of the Department of Human
13 Services (DHS). The SRCP provides funding to facilitate the
14 provision of temporary, short-term care for, or the supervision of,
15 an eligible adult with a functional impairment on behalf of the
16 person’s caregiver, either in an emergency or on an intermittent
17 basis, to relieve the stresses and demands of caring for the
18 functionally impaired adult.

19 The current definition of “caregiver” that is applicable under the
20 SRCP effectively limits the types of caregivers who may benefit
21 from respite care services. In particular, the definition currently
22 specifies that the term only includes those caregivers that provide
23 caregiving services on a daily basis and for no financial
24 remuneration. This definition, therefore, excludes caregivers who
25 provide caregiving services either intermittently throughout the
26 week or only on the weekend. It also excludes caregivers who may
27 receive free room and board while providing caregiving services,
28 but who receive no true monetary compensation for the provision of
29 such care.

30 In many cases, family caregivers work other full-time jobs,
31 Monday through Friday, and they are not able to provide caregiving
32 services every day. These caregivers who do work full time at other
33 jobs, while still providing caregiving services to relatives on
34 evenings or weekends, are some of the most exhausted caregivers in
35 the State. However, because many do not satisfy the current
36 definition of “caregiver” by regularly providing care on a daily
37 basis, these caregivers are often unable to take advantage of respite
38 care services offered under the SRCP. Similarly, many caregivers
39 have to quit their jobs to move in and take care of a loved one who
40 requires 24-hour care. Because these caregivers have no income
41 and are not contributing to the household’s expenses, they are
42 deemed to be receiving remuneration for their services, which
43 currently makes them ineligible for SRCP.

44 This bill would ensure that caregivers are entitled to benefit from
45 respite care services so long as they provide caregiving services to
46 an eligible person for a minimum of two days per week, and even if
47 they receive free room and board; so long as they do not receive any
48 additional financial remuneration for their services.