

By the Committee on Children and Families; and Senator
Constantine

300-2406-03

1 A bill to be entitled
2 An act relating to care for persons with
3 disabilities; providing legislative findings;
4 creating the Florida Lifespan Respite Care
5 Program; authorizing the Department of Children
6 and Family Services to contract for the
7 Lifespan Respite Care Program; providing a
8 contingent appropriation; creating s. 393.0662,
9 F.S.; creating the Relative Caregiver Program;
10 providing definitions; providing for training
11 and education; providing for certification of
12 relative caregivers; limiting compensation of
13 relative caregivers; providing for revocation
14 of certification of relative caregivers;
15 requiring rules; providing for the
16 certification of relative caregivers by the
17 Department of Children and Family Services;
18 providing an effective date.

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20 WHEREAS, the Legislature finds that families are an
21 important source of care for children and adults with
22 disabilities, and

23 WHEREAS, the Legislature finds that families and family
24 caregivers are an important part of the continuum of long-term
25 and short-term care, and

26 WHEREAS, the Legislature finds that it is beneficial to
27 the state to maximize the state's participation in the
28 Medicaid program, pursuant to Title XIX of the Social Security
29 Act, and

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1 WHEREAS, it is a worthy goal to support the efforts of
2 families and other caregivers to care for individuals at home
3 is efficient, and

4 WHEREAS, care provided at home by family members and
5 relatives can be cost-effective and humane, and families and
6 relative caregivers receiving occasional respite care services
7 are less likely to request admission of an individual to a
8 nursing home, foster care, or other out-of-home care at public
9 expense, and

10 WHEREAS, respite care reduces family and caregiver
11 stress, enhances family and relative caregiver coping
12 abilities, and strengthens family's and other caregiver's
13 abilities to meet the challenging demands of caring for an
14 individual with special circumstances, and

15 WHEREAS, respite care services reduce the risk of
16 maltreatment, abuse, and neglect of children, senior citizens,
17 and other vulnerable groups, and

18 WHEREAS, a lead statewide entity for coordinating
19 respite care services without regard to age or disabling
20 condition is a cost-effective and efficient approach to
21 improve community-based services and enable the dissemination
22 of respite care information and resources to families and
23 caregivers, NOW, THEREFORE,

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. (1) The Lifespan Respite Care Program is
28 created to:

29 (a) Develop statewide respite care advocacy and
30 service delivery networks;

31

1 (b) Provide, supplement, and improve respite care
2 services to families and relative caregivers;

3 (c) Promote innovative, flexible, and comprehensive
4 approaches to the delivery of respite care; and

5 (d) Recruit and train respite care programs, workers,
6 and volunteers.

7 (2) The Department of Children and Family Services
8 shall contract with an established statewide respite coalition
9 to establish and develop the Lifespan Respite Care Program.

10 (3) The contract with the coalition to establish the
11 Lifespan Respite Care Program shall require the statewide
12 respite coalition to:

13 (a) Develop criteria, procedures, and timelines for
14 the establishment of five lifespan respite care networks to
15 provide respite care services funded through the Lifespan
16 Respite Care Program;

17 (b) Provide policy and program development supports,
18 including, but not limited to, data collection and information
19 on unmet respite care needs across the lifespan;

20 (c) Identify and promote resolution of local and
21 state-level respite care policy concerns across the lifespan;

22 (d) Provide training and technical assistance to
23 community-based lifespan respite care service networks;

24 (e) Develop and distribute respite care information;
25 and

26 (f) Promote the exchange of information and
27 coordination among state and local governments and
28 community-based respite care providers to encourage the
29 efficient provision of respite care services and reduce
30 duplication of effort.

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1 Section 2. Subject to a specific appropriation and any
2 limitations established by the General Appropriations Act or
3 chapter 216, Florida Statutes, the Department of Children and
4 Family Services may expend up to \$300,000 in General Revenue
5 Funds to establish and develop the Lifespan Respite Care
6 Program.

7 Section 3. Section 393.0662, Florida Statutes, is
8 created to read:

9 393.0662 Relative Caregivers Program.--

10 (1) DEFINITIONS.--For purposes of this section, the
11 term:

12 (a) "Certification" means that a relative meets all of
13 the requirements to be enrolled as a Medicaid waiver provider
14 as a relative caregiver.

15 (b) "Relative caregiver" means an individual who is
16 the father, mother, son, daughter, brother, sister,
17 grandfather, grandmother, great-grandfather,
18 great-grandmother, uncle, aunt, first cousin, nephew, niece,
19 husband, wife, father-in-law, mother-in-law, son-in-law,
20 daughter-in-law, brother-in-law, sister-in-law, stepfather,
21 stepmother, stepson, stepdaughter, stepbrother, stepsister,
22 half-brother, or half-sister of the disabled child and who
23 lives permanently and continuously with the disabled child.

24 (2) RELATIVE CAREGIVER PLAN.--Subject to the
25 requirements of federally approved Medicaid waivers, a
26 specific appropriation, and any limitations established in the
27 General Appropriations Act or chapter 216, the Agency for
28 Health Care Administration, in cooperation with the Department
29 of Children and Family Services, may develop a plan to
30 reimburse relative caregivers of children ages 5 through 21
31 who are recipients of home and community-based Medicaid waiver

1 services pursuant to a 1915(c) Medicaid waiver designed to
2 serve persons with developmental disabilities.
3 (3) TRAINING AND EDUCATION PROGRAMS.--
4 (a) The department must provide training and education
5 programs for relative caregivers.
6 (b) Training and education programs must include
7 information relating to:
8 1. State law and rules governing relative caregivers.
9 2. Identifying and meeting the personal care needs of
10 disabled children and adults.
11 3. Monitoring the health of the recipient.
12 (c) Relative caregivers must complete the training and
13 education program within a reasonable time determined by the
14 department. Failure to complete the training and education
15 program within the time set by the department shall subject
16 the relative caregiver to revocation of his or her
17 certification.
18 (d) If the support coordinator or the department
19 determines that a relative caregiver requires specific
20 training or education beyond that required under this section,
21 the department may require the relative caregiver to complete
22 such training or education.
23 (e) The department shall specify by rule training and
24 education programs and training requirements for the relative
25 caregiver.
26 (4) OVERSIGHT; MONITORING.--In order to ensure that
27 the recipient of a developmental services Medicaid waiver in
28 the care of the relative caregiver is receiving adequate care,
29 the support coordinator shall make visits to the home in which
30 the disabled child or adult under the care of the relative
31 caregiver resides. The frequency of such visits shall be

1 determined by the support coordinator and the department. The
2 Agency for Health Care Administration may require periodic
3 visits by appropriate professionals to monitor the recipient's
4 care and well-being.

5 (5) CERTIFICATION PROGRAM.--The department shall
6 provide by rule for the certification of relative caregivers.
7 At a minimum, such rule shall require that, as a condition of
8 certification, an applicant for certification as a relative
9 caregiver shall establish, to the satisfaction of the
10 department, that:

11 (a) The applicant has the time and willingness to
12 provide the services required.

13 (b) The applicant has a relative in need of the
14 services of a caregiver and the relative is willing to receive
15 such services from the applicant.

16 (c) The applicant has the skills necessary to provide
17 such services or has agreed to complete the training necessary
18 to obtain such skills.

19 (d) The applicant complies with Medicaid provider
20 agreement requirements of s. 409.907.

21 (6) COMPENSATION.--The Agency for Health Care
22 Administration shall establish a schedule for compensation for
23 services delivered by a relative caregiver. In no instance
24 shall the compensation authorized by this section exceed
25 compensation that would be paid to Medicaid providers who are
26 registered, licensed, or certified to provide similar care.

27 (7) VIOLATIONS; PENALTIES.--In addition to any other
28 liability or penalty provided by law, relative caregivers are
29 subject to the requirements of s. 409.913. The department
30 shall revoke certification of a relative caregiver when the
31 department determines that the care by the relative caregiver

1 directly threatens the physical or emotional health, safety,
2 or security of the recipient or establishes the possibility
3 that death or serious physical or emotional harm could result
4 from the care or lack of care rendered by the relative
5 caregiver.

6 (8) RULES.--The agency shall adopt rules as needed to
7 implement this section.

8 Section 4. This act shall take effect upon becoming a
9 law.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 Senate Bill 2664

14 Creates the Florida Lifespan Respite Care Program and sets
15 forth the goals of the program.

16 Requires the Department of Children and Families to contract
17 with a statewide respite care coalition to establish the
18 program and sets forth requirements for the respite coalition
19 and program.

20 Provides for the Department of Children and Families to
21 establish the Florida Lifespan Respite Care Program and expend
22 up to \$300,000, subject to a specific appropriation.

23 Deletes the legislative findings pertaining to the Relative
24 Caregiver Act.

25 Authorizes the Agency for Health Care Administration in
26 cooperation with the Department of Children and Families to
27 develop a plan for reimbursing relative caregivers of children
28 ages 5 through 21 years on the developmental disabilities
29 Medicaid waiver subject to the requirements of federally
30 approved Medicaid waivers, a specific appropriations, and any
31 limitations of the General Appropriations Act.

Directs the Department of Children and Families to develop
rules for the certification of relative caregivers and
provides for minimum conditions for certification.

Requires relative caregivers to be subject to the requirements
set forth for Medicaid providers pertaining to fraud and the
appropriate sanctions.

Deletes the tiered sanctioning provisions for when the care
provided by the relative caregiver threatens the health,
safety, and security of the individual and replaces it with a
direction to the department to revoke the certification of the
relative caregiver if such care is determined to be provided.