



CHAMBER ACTION

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The Committee on Future of Florida's Families recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to care for persons with disabilities; providing a popular name; providing legislative findings; creating the Florida Lifespan Respite Care Program; authorizing the Department of Children and Family Services to contract for the Florida Lifespan Respite Care Program; providing a contingent appropriation; creating s. 393.0662, F.S.; creating the Relative Caregiver Program; providing definitions; providing for reimbursement; requiring that training and education programs be provided by the department; providing minimum criteria for such training; requiring oversight of relative caregivers by the department and support coordinators; authorizing the Agency for Health Care Administration to require monitoring of relative caregivers; providing for the certification of relative caregivers by the department; establishing minimum qualifications for certification; requiring the agency to establish a schedule for



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29 compensation for services provided by relative caregivers;
30 limiting such compensation; providing for revocation of
31 certification of relative caregivers; requiring and
32 authorizing the adoption of rules by the agency; providing
33 an effective date.

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35 WHEREAS, the Legislature finds that families are an
36 important source of care for children and adults with
37 disabilities, and

38 WHEREAS, the Legislature finds that families and relative
39 caregivers are an important part of the continuum of long-term
40 and short-term care, and

41 WHEREAS, the Legislature finds that it is beneficial to the
42 state to maximize the state's participation in the Medicaid
43 program, pursuant to Title XIX of the Social Security Act, and

44 WHEREAS, it is a worthy and efficient goal to support the
45 efforts of families and relative caregivers to care for
46 individuals at home, and

47 WHEREAS, care provided at home by family members and
48 relatives can be cost-effective and humane, and families and
49 relative caregivers receiving occasional respite care services
50 are less likely to request admission of an individual to a
51 nursing home, foster care, or other out-of-home care at public
52 expense, and

53 WHEREAS, respite care services reduce family and relative
54 caregiver stress, enhance family and relative caregiver coping
55 abilities, and strengthen family's and relative caregiver's



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56 abilities to meet the challenging demands of caring for an
57 individual with special circumstances, and

58 WHEREAS, respite care services reduce the risk of
59 maltreatment, abuse, and neglect of children, senior citizens,
60 and other vulnerable groups, and

61 WHEREAS, a lead statewide entity for coordinating respite
62 care services without regard to age or disabling condition is a
63 cost-effective and efficient approach to improve community-based
64 services and enable the dissemination of respite care
65 information and resources to families and relative caregivers,
66 NOW, THEREFORE,

67

68 Be It Enacted by the Legislature of the State of Florida:

69

70 Section 1. This act may be known by the popular name the
71 "Stephanie Banguera Act."

72 Section 2. (1) The Florida Lifespan Respite Care Program
73 is created to:

74 (a) Develop statewide respite care advocacy and service
75 delivery networks.

76 (b) Provide, supplement, and improve respite care services
77 to families and relative caregivers.

78 (c) Promote innovative, flexible, and comprehensive
79 approaches to the delivery of respite care.

80 (d) Recruit and train respite care programs, workers, and
81 volunteers.



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82 (2) The Department of Children and Family Services shall
83 contract with an established statewide respite coalition to
84 establish and develop the Florida Lifespan Respite Care Program.

85 (3) The contract with the statewide respite coalition to
86 establish the Florida Lifespan Respite Care Program shall
87 require the statewide respite coalition to:

88 (a) Develop criteria, procedures, and timelines for the
89 establishment of five lifespan respite care networks to provide
90 respite care services funded through the Florida Lifespan
91 Respite Care Program.

92 (b) Provide policy and program development supports,
93 including, but not limited to, data collection and information
94 on unmet respite care needs across the lifespan.

95 (c) Identify and promote resolution of local and state-
96 level respite care policy concerns across the lifespan.

97 (d) Provide training and technical assistance to
98 community-based lifespan respite care service networks.

99 (e) Develop and distribute respite care information.

100 (f) Promote the exchange of information and coordination
101 among state and local governments and community-based respite
102 care providers to encourage the efficient provision of respite
103 care services and reduce duplication of effort.

104 Section 3. Subject to a specific appropriation and any
105 limitations established by the General Appropriations Act or
106 chapter 216, Florida Statutes, the Department of Children and
107 Family Services may expend up to \$300,000 in general revenue
108 funds to establish and develop the Florida Lifespan Respite Care
109 Program.



110 Section 4. Section 393.0662, Florida Statutes, is created
111 to read:

112 393.0662 Relative Caregiver Program.--

113 (1) DEFINITIONS.--For purposes of this section:

114 (a) "Certification" means that a relative meets all of the
115 requirements to be enrolled as a Medicaid waiver provider as a
116 relative caregiver.

117 (b) "Relative caregiver" means an individual who is the
118 father, mother, son, daughter, brother, sister, grandfather,
119 grandmother, great-grandfather, great-grandmother, uncle, aunt,
120 first cousin, nephew, niece, husband, wife, father-in-law,
121 mother-in-law, son-in-law, daughter-in-law, brother-in-law,
122 sister-in-law, stepfather, stepmother, stepson, stepdaughter,
123 stepbrother, stepsister, half-brother, or half-sister of the
124 disabled child or adult and who lives permanently and
125 continuously with the disabled child or young adult.

126 (2) REIMBURSEMENT.--Subject to the requirements of
127 federally approved Medicaid waivers and a specific
128 appropriation, and any limitations established in the General
129 Appropriations Act or chapter 216, the Agency for Health Care
130 Administration in cooperation with the Department of Children
131 and Family Services may develop a plan to reimburse relative
132 caregivers of children and young adults ages 5 through 21 who
133 are recipients of home and community-based Medicaid waiver
134 services pursuant to a 1915(c) Medicaid waiver designed to serve
135 persons with developmental disabilities.

136 (3) TRAINING AND EDUCATION PROGRAMS.--



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137 (a) The department must provide training and education
138 programs for relative caregivers.

139 (b) Training and education programs must include
140 information relating to:

141 1. State law and rules governing relative caregivers.

142 2. Identifying and meeting the personal care needs of
143 disabled children and young adults.

144 3. Monitoring the health of the recipient.

145 (c) Relative caregivers must complete the training and
146 education program within a reasonable time determined by the
147 department. Failure to complete the training and education
148 program within the time set by the department shall subject the
149 relative caregiver to revocation of his or her certification.

150 (d) If the support coordinator or the department
151 determines that a relative caregiver requires specific training
152 or education beyond that required under this section, the
153 department may require the relative caregiver to complete such
154 training or education.

155 (e) The department shall specify by rule training and
156 education programs and training requirements for the relative
157 caregiver.

158 (4) OVERSIGHT; MONITORING.--In order to ensure that the
159 developmental services Medicaid waiver recipient in the care of
160 the relative caregiver is receiving adequate care, the support
161 coordinator shall make visits to the home in which the disabled
162 child or young adult under the care of the relative caregiver
163 resides. The frequency of such visits shall be determined by the
164 support coordinator and the department. The Agency for Health



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165 Care Administration may require periodic visits by appropriate
166 professionals to monitor the recipient's care and well-being.

167 (5) CERTIFICATION PROGRAM.--The department shall provide
168 by rule for the certification of relative caregivers. At a
169 minimum, such rule shall require that as a condition for
170 certification as a relative caregiver, an applicant shall
171 establish, to the satisfaction of the department, that the
172 applicant:

173 (a) Has the time and willingness to provide the services
174 required.

175 (b) Has a relative in need of the services of a caregiver
176 and the relative is willing to receive such services from the
177 applicant.

178 (c) Has the skills necessary to provide such services or
179 has agreed to complete the training necessary to obtain such
180 skills.

181 (d) Will comply with the Medicaid provider agreement
182 requirements of s. 409.907.

183 (6) COMPENSATION.--The Agency for Health Care
184 Administration shall establish a schedule for compensation for
185 services delivered by a relative caregiver. In no instance shall
186 the compensation authorized by this section exceed compensation
187 that would be paid to Medicaid providers who are registered,
188 licensed, or certified to provide similar care.

189 (7) VIOLATIONS; PENALTIES.--In addition to any other
190 liability or penalty provided by law, relative caregivers are
191 subject to the requirements of s. 409.913. The department shall
192 revoke certification of a relative caregiver when the department



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193 determines the care by the relative caregiver directly threatens
194 the physical or emotional health, safety, or security of the
195 recipient or establishes the possibility that death or serious
196 physical or emotional harm could result from the care or lack of
197 care rendered by the relative caregiver.

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

200 Section 5. This act shall take effect July 1, 2003.