

A-Engrossed
Senate Bill 648

Ordered by the Senate March 23
Including Senate Amendments dated March 23

Sponsored by Senator MORRISETTE, Representative GELSER; Senators GORDLY, KRUSE, Representatives BOONE, DALLUM, KOTEK, ROBLAN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Expands lifespan respite care to include individuals with behavioral conditions. Specifies technical assistance that must be provided to community lifespan respite care programs by Oregon Lifespan Respite Care Program. Replaces Family Support Advisory Council subcommittee with advisory council appointed by Director of Human Services. Requires department to adopt rules relating to oversight of Oregon Lifespan Respite Care Program. **Modifies provisions relating to allowed uses of funds appropriated to program.**

A BILL FOR AN ACT

1
2 Relating to lifespan respite program; amending ORS 409.450, 409.458, 409.462, 409.466, 409.474 and
3 409.478.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 409.450 is amended to read:

6 409.450. As used in ORS 409.450 to 409.478:

7 (1) "Caregiver" means an individual providing ongoing care for an individual with special needs.

8 (2) "Community lifespan respite care program" means a noncategorical respite care program
9 that:

10 (a) Is operated by community-based private nonprofit, for-profit or public agencies that provide
11 respite care services;

12 (b) Receives funding through the Oregon Lifespan Respite Care Program established under ORS
13 409.458;

14 (c) Serves an area of one or more counties;

15 (d) Acts as a single local source of information and referral; and

16 (e) Facilitates access to local respite care services.

17 (3) "Noncategorical care" means care without regard to the status, including but not limited to
18 age and type of special need of the individual receiving care.

19 (4) "Provider" means an individual or agency selected by a family or caregiver to provide respite
20 care to an individual with special needs.

21 (5) "Respite care" means the provision of short-term relief to primary caregivers from the de-
22 mands of ongoing care for an individual with special needs.

23 (6) "Respite care services" includes:

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 providers;

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

3 (d) Linking families and caregivers with payment resources;

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

5 (f) Quality assurance and evaluation; and

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

7 (7) "Special needs" includes:

8 (a) Alzheimer's disease and related disorders;

9 (b) Developmental disabilities;

10 (c) Physical disabilities;

11 (d) Chronic illness;

12 (e) **Mental illness;**

13 [(e)] (f) [*Mental and*] **Behavioral and** emotional conditions that require supervision;

14 [(f)] (g) Situations in which a high risk of abuse or neglect exists; and

15 [(g)] (h) Such other situations or conditions as the Department of Human Services may establish
16 by rule.

17 **SECTION 2.** ORS 409.458 is amended to read:

18 409.458. The Director of Human Services shall establish the Oregon Lifespan Respite Care Pro-
19 gram to develop and encourage statewide coordination of respite care and to work with
20 community-based private nonprofit, for-profit or public agencies and interested citizen groups in the
21 establishment of community lifespan respite care programs. The Oregon Lifespan Respite Care Pro-
22 gram shall:

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

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

26 (3) Provide technical assistance to community lifespan respite care programs[;] **in the areas of**
27 **respite care program operations, resource development, best practices, training, coordination**
28 **with other caregiver programs and promoting public awareness;**

29 (4) Develop and distribute respite care information;

30 (5) Promote the exchange of information and coordination among state and local government,
31 community lifespan respite care programs, agencies serving individuals with special needs, families
32 and respite care advocates to encourage efficient provision of respite care and reduce duplication
33 of effort;

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

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

36 **SECTION 3.** ORS 409.462 is amended to read:

37 409.462. (1) The Department of Human Services through the Oregon Lifespan Respite Care Pro-
38 gram shall coordinate the establishment of community lifespan respite care programs. The program
39 shall accept proposals to operate community lifespan respite care programs, submitted in the form
40 and manner required by the program, from community-based private nonprofit, for-profit or public
41 agencies that provide respite care services. According to criteria established by the Department of
42 Human Services, the Oregon Lifespan Respite Care Program shall designate and fund agencies de-
43 scribed in this section to operate the community **lifespan** respite care programs.

44 (2) The Director of Human Services shall create the position of administrator of the Oregon
45 Lifespan Respite Care Program to carry out the duties of the program.

1 (3) *[The Family Support Advisory Council established in ORS 417.346]* **The Director of Human**
2 **Services** shall appoint *[a subcommittee of the council to act as]* an advisory council to the Oregon
3 Lifespan Respite Care Program. The *[subcommittee]* **council** shall be composed of *[Family Support*
4 *Advisory Council members and nonmembers including respite care providers,]* respite care program
5 managers, respite care consumers, family members and other interested individuals **and shall meet**
6 **no fewer than four times per year.**

7 **SECTION 4.** ORS 409.466 is amended to read:

8 409.466. Each community lifespan respite care program established pursuant to ORS 409.458
9 shall:

10 (1) Involve key local individuals and agencies in the community lifespan respite care program
11 planning process.

12 (2) Create an advisory committee *[composed of 15 members]* to advise the community lifespan
13 respite care program on how the program may best serve the needs of families and caregivers of
14 individuals with special needs. *[At least eight]* **A majority of the** members of the advisory committee
15 shall be family members and caregivers of individuals with special needs. Other members shall in-
16 clude respite care providers, representatives of local service agencies and other community repre-
17 sentatives. Committee membership shall represent senior citizens, *[individuals]* **adults and children**
18 with special needs, and families at risk of abuse or neglect.

19 **SECTION 5.** ORS 409.474 is amended to read:

20 409.474. The Department of Human Services shall adopt all rules necessary for the operation
21 and administration of the Oregon Lifespan Respite Care Program, including but not limited to:

22 (1) Establishing criteria, procedures and timelines for designation of the community-based pri-
23 vate nonprofit, for-profit or public agencies that will receive funding to provide respite services un-
24 der community lifespan respite care programs; *[and]*

25 (2) Requiring that community lifespan respite care programs publicize the telephone number and
26 address where families and caregivers may contact the program[.];

27 **(3) Establishing operational guidelines and outcome measures for state and community**
28 **lifespan respite care programs;**

29 **(4) Establishing program reporting and data collection requirements;**

30 **(5) Creating statewide minimum standards for lifespan respite care providers;**

31 **(6) Establishing standards for coordination between the Oregon Lifespan Respite Care**
32 **Program and other caregiving programs; and**

33 **(7) Establishing a statewide quality assurance process and quality assurance measures.**

34 **SECTION 6.** ORS 409.478 is amended to read:

35 409.478. The Oregon Lifespan Respite Care Program may use the funds appropriated to the
36 program for the following purposes:

37 (1) The purposes established in ORS 409.458 and 409.462;

38 (2) Costs related to *[developing]* **ongoing** provider recruitment and training, information and
39 referral, outreach and other components of the provision of local respite care;

40 (3) One time only start-up costs related to the establishment of the community lifespan respite
41 care program; *[and]*

42 (4) *[Minimum]* Administrative costs for maintaining ongoing program operation **at both the**
43 **state and local levels, including technology acquisition and upgrades to expand access to re-**
44 **spite care services and to improve accountability; and**

45 **(5) The purchase of community-based respite care for families and individuals.**

