

Enrolled
Senate Bill 648

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

CHAPTER

AN ACT

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

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

SECTION 1. ORS 409.450 is amended to read:

409.450. As used in ORS 409.450 to 409.478:

- (1) "Caregiver" means an individual providing ongoing care for an individual with special needs.
- (2) "Community lifespan respite care program" means a noncategorical respite care program that:
 - (a) Is operated by community-based private nonprofit, for-profit or public agencies that provide respite care services;
 - (b) Receives funding through the Oregon Lifespan Respite Care Program established under ORS 409.458;
 - (c) Serves an area of one or more counties;
 - (d) Acts as a single local source of information and referral; and
 - (e) Facilitates access to local respite care services.
- (3) "Noncategorical care" means care without regard to the status, including but not limited to age and type of special need of the individual receiving care.
- (4) "Provider" means an individual or agency selected by a family or caregiver to provide respite care to an individual with special needs.
- (5) "Respite care" means the provision of short-term relief to primary caregivers from the demands of ongoing care for an individual with special needs.
- (6) "Respite care services" includes:
 - (a) Recruiting and screening of paid and unpaid respite care providers;
 - (b) Identifying local training resources and organizing training opportunities for respite care providers;
 - (c) Matching of families and caregivers with providers and other types of respite care;
 - (d) Linking families and caregivers with payment resources;
 - (e) Identifying, coordinating and developing community resources for respite care;
 - (f) Quality assurance and evaluation; and
 - (g) Assisting families and caregivers to identify respite care needs and resources.
- (7) "Special needs" includes:
 - (a) Alzheimer's disease and related disorders;
 - (b) Developmental disabilities;

- (c) Physical disabilities;
- (d) Chronic illness;
- (e) **Mental illness;**
- [(e)] (f) [*Mental and*] **Behavioral and** emotional conditions that require supervision;
- [(f)] (g) Situations in which a high risk of abuse or neglect exists; and
- [(g)] (h) Such other situations or conditions as the Department of Human Services may establish by rule.

SECTION 2. ORS 409.458 is amended to read:

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

- (1) Provide policy and program development support, including but not limited to data collection and outcome measures;
- (2) Identify and promote resolution of local and state level policy concerns;
- (3) Provide technical assistance to community lifespan respite care programs[;] **in the areas of respite care program operations, resource development, best practices, training, coordination with other caregiver programs and promoting public awareness;**
- (4) Develop and distribute respite care information;
- (5) Promote the exchange of information and coordination among state and local government, community lifespan respite care programs, agencies serving individuals with special needs, families and respite care advocates to encourage efficient provision of respite care and reduce duplication of effort;
- (6) Ensure statewide access to community lifespan respite care programs; and
- (7) Monitor and evaluate implementation of community lifespan respite care programs.

SECTION 3. ORS 409.462 is amended to read:

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

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

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

SECTION 4. ORS 409.466 is amended to read:

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

- (1) Involve key local individuals and agencies in the community lifespan respite care program planning process.
- (2) Create an advisory committee [*composed of 15 members*] to advise the community lifespan respite care program on how the program may best serve the needs of families and caregivers of individuals with special needs. [*At least eight*] **A majority of the** members of the advisory committee shall be family members and caregivers of individuals with special needs. Other members shall include respite care providers, representatives of local service agencies and other community repre-

sentatives. Committee membership shall represent senior citizens, *[individuals]* **adults and children** with special needs, and families at risk of abuse or neglect.

SECTION 5. ORS 409.474 is amended to read:

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

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

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

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

(4) Establishing program reporting and data collection requirements;

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

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

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

SECTION 6. ORS 409.478 is amended to read:

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

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

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

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

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

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

Passed by Senate March 27, 2007

.....
Secretary of Senate

.....
President of Senate

Passed by House June 4, 2007

.....
Speaker of House

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

.....
Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

.....
Secretary of State