

1.1 A bill for an act
1.2 relating to human services; establishing a respite care program; establishing
1.3 advisory committees; proposing coding for new law in Minnesota Statutes,
1.4 chapter 256.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [256.4835] LIFE SPAN RESPITE CARE PROGRAM.

1.7 Subdivision 1. Definitions. (a) The terms used in this section have the meanings
1.8 given in this subdivision.

1.9 (b) "Caregiver" means an individual who lives in the home of a person with special
1.10 needs and provides care or supervision for that person.

1.11 (c) "Provider" means an individual or agency that a caregiver selects, with input
1.12 on the selection by the person with special needs, if competent, to provide respite care
1.13 to the person with special needs.

1.14 (d) "Respite care" means care that is provided to a person with special needs, or a
1.15 person at risk of abuse or neglect, in order to provide temporary relief to the caregiver of
1.16 that person or when the caregiver is unable to provide care.

1.17 (e) "Special need" means a person's need resulting from an emotional, behavioral,
1.18 cognitive, physical, or personal condition that necessitates receipt of care or supervision in
1.19 order to meet the person's basic needs or to prevent harm from occurring to the person.

1.20 (f) "Tribe or band" means the governing body of a federally recognized American
1.21 Indian tribe or band in this state.

1.22 Subd. 2. Program. (a) The commissioner shall contract for the administration
1.23 of life span respite care projects under subdivision 4 with an organization to which the
1.24 following apply:

2.1 (1) the organization is a private, nonprofit organization that is capable of operating
2.2 on a statewide basis and has expertise in respite care issues;

2.3 (2) at least 51 percent of the members of the organization's governing board are
2.4 consumers of respite care or caregivers; and

2.5 (3) the membership of the organization's governing board includes providers and
2.6 elected officials and represents the diverse geographical areas and cultural groups of
2.7 the state.

2.8 (b) The organization with which the commissioner contracts under paragraph (a)
2.9 shall do the following:

2.10 (1) after consulting with the commissioner, county agencies, tribes or bands,
2.11 providers, and caregivers, prescribe criteria for the distribution of grants to conduct life
2.12 span respite care projects. The criteria must include the requirement that grant funds be
2.13 equally distributed among five regions of the state, as prescribed by the commissioner;

2.14 (2) solicit applications from and, using the criteria under paragraph (a), award up
2.15 to one grant in each of the five regions prescribed by the commissioner to any of the
2.16 following to conduct a life span respite care project:

2.17 (i) a county agency;

2.18 (ii) a tribe or band;

2.19 (iii) a community-based private, nonprofit entity; or

2.20 (iv) a community-based private entity that is operated for profit;

2.21 (3) require that the grantee contribute matching funds to the operation of the life
2.22 span respite care project in the following amounts:

2.23 (i) ten percent of the amount of the grant awarded by the organization as direct
2.24 services, which shall be used by the grantee to fund payments from caregivers to
2.25 providers; and

2.26 (ii) 15 percent of the amount of the grant awarded by the organization as in-kind
2.27 services;

2.28 (4) oversee grants awarded and monitor, provide technical assistance to, and evaluate
2.29 the life span respite care projects;

2.30 (5) develop best practice guidelines and a training curriculum that may be used by
2.31 life span respite care projects that are funded under this section, and that may be used, if
2.32 appropriate, by any other respite care providers in the state;

2.33 (6) promote the exchange of information and coordination among the state, local
2.34 governments, life span respite care projects, entities serving persons with special needs,
2.35 families of persons with special needs, and persons in favor of the promotion of respite
2.36 care services to encourage the efficient provision of respite care services;

3.1 (7) act as a statewide clearinghouse of information about respite care and existing
3.2 respite care programs and resources and operate a library of materials that may be lent to
3.3 persons or organizations upon request; and

3.4 (8) conduct analyses of respite care policies and proposals, and identify and promote
3.5 resolution of respite care policy concerns at legislative, state, and local levels.

3.6 Subd. 3. **Grants not to supplant other funds.** Funds awarded as grants under
3.7 subdivision 2, paragraph (b), may not be used to supplant funds otherwise available and,
3.8 prior to receipt of the grant, dedicated by the grantee to respite care.

3.9 Subd. 4. **Life span respite care project requirements.** Life span respite care
3.10 projects for which a grant is awarded under subdivision 2, paragraph (b), clause (2), shall
3.11 do all of the following:

3.12 (1) operate in a culturally competent manner and be sensitive to the unique needs
3.13 and strengths of a person with special needs, and his or her family or caregiver;

3.14 (2) identify, coordinate, and develop resources for respite care that are built, to the
3.15 extent possible, on existing community support services;

3.16 (3) recruit and screen providers;

3.17 (4) identify training resources and organize training programs for providers that
3.18 address different populations in need of respite care;

3.19 (5) facilitate access by caregivers and families of persons with special needs to an
3.20 array of respite care service options (i) for which the person with special needs is eligible,
3.21 (ii) that are responsive to caregiver and family needs, and (iii) that are available before
3.22 families and primary caregivers reach a crisis situation; and

3.23 (6) assist caregivers and families of persons with special needs to identify and
3.24 coordinate funds and resources available for respite care for which the person with special
3.25 needs is eligible, and authorize and provide a variety of funds and resources to make
3.26 available additional respite care services for persons with special needs under eligibility
3.27 criteria established by the project.

3.28 Subd. 5. **Advisory committees.** Each grantee shall establish an advisory committee
3.29 that advises the project providers on how the project may best serve persons with
3.30 special needs and their caregivers. Consumers of respite care services and caregivers
3.31 shall comprise at least 51 percent of the advisory committee membership and shall be
3.32 representative of the diversity of persons who receive services under the project. Other
3.33 members shall include providers, representatives of local service agencies, and members
3.34 of the community.