

**CHAPTER 82**  
**STATEWIDE RESPITE CARE PROGRAM**

**Authority**

N.J.S.A. 30:4F-7 et seq. and Reorganization Plan No. 001-1996.

**Source and Effective Date**

R.2004 d.241, effective July 6, 2004.  
See: 35 N.J.R. 2633(a), 36 N.J.R. 3278(a).

**Chapter Expiration Date**

Chapter 82, Statewide Respite Care Program, expires on July 6, 2009.  
See: 35 N.J.R. 2633(a).

**Chapter Historical Note**

Chapter 82, Statewide Respite Care Program, was originally codified in Title 10 as Chapter 14, Statewide Respite Care Program. Chapter 14, originally Emergency and Temporary Housing Projects was filed and became effective prior to September 1, 1969.

Chapter 14, Emergency and Temporary Housing Projects, was repealed by R.1983 d.523, effective November 21, 1983. See: 15 N.J.R. 1430(a), 15 N.J.R. 1944(a).

Chapter 14, Statewide Respite Care Program, was adopted as R.1988 d.226, effective May 16, 1988. See: 19 N.J.R. 1712(a), 20 N.J.R. 1107(a).

Pursuant to Executive Order No. 66(1978), Chapter 14, Statewide Respite Care Program, was readopted as R.1993 d.256, effective May 7, 1993. See: 25 N.J.R. 876(a), 25 N.J.R. 2257(b).

Pursuant to Reorganization Plan No. 001-1996, Chapter 14, Title 10, Statewide Respite Care Program, was recodified to Chapter 82, Title 8, effective October 15, 1997. As a part of the recodification, administrative changes were made to reflect Department of Health and Senior Services jurisdiction. See: 29 N.J.R. 4679(a).

Pursuant to Executive Order No. 66(1978), Chapter 82, Statewide Respite Care Program, was readopted as R.1998 d.274, effective May 7, 1998. See: Source and Effective Date. See, 30 N.J.R. 624(a), 30 N.J.R. 2001(a). Chapter 82, Statewide Respite Care Program, expired November 3, 2003.

Chapter 82, Statewide Respite Care Program, was adopted as new rule by R.2004 d.241, effective July 6, 2004. See: Source and Effective Date.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**8:82-1.1 Purpose**

Pursuant to N.J.S.A. 30:4F-7 et seq., the Department of Health and Senior Services intends to use the Statewide Respite Care Program to provide relief and support to family or other uncompensated caregivers from the demands of the daily care of frail elderly and other functionally impaired persons.

**8:82-1.2 Scope of service**

(a) This chapter shall apply to all activities and persons participating in the Statewide Respite Care Program, including but not limited to applicants, eligible persons, caregivers and sponsors.

(b) Pursuant to N.J.S.A. 30:4F-7 et seq., the New Jersey Statewide Respite Care Program is limited to the provision of and payment for short-term, intermittent respite care for frail, elderly and functionally impaired adults.

Amended by R.1993 d.256, effective June 7, 1993.  
See: 25 N.J.R. 876(a), 25 N.J.R. 2557(b).

**8:82-1.3 Target population; priority of services**

(a) The target population is limited to those individuals providing the basic, daily care to the eligible person, who are at risk of severe illness, fatigue, or stress due to the demands of their caregiving responsibilities.

(b) Situations to be given priority in receiving services are those where the eligible person is at risk of institutionalization due to the temporary incapacity of a caregiver.

Amended by R.1993 d.256, effective June 7, 1993.  
See: 25 N.J.R. 876(a), 25 N.J.R. 2557(b).

#### 8:82-1.4 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Adult day health services" means a program of medically supervised, health related services provided in an ambulatory care center to persons who are nonresidents of that center.

"Adult family care" means a 24-hour per day living arrangement for persons who because of age or physical disability need assistance with activities of daily living, and for whom services designed to meet their individual needs are provided by licensed caregivers in approved adult family care homes.

"Applicant" means a functionally impaired person 18 years of age or older who would be at risk of long-term institutional placement if his or her regular caregiver could not continue in that role without the assistance of temporary home and community support services, including respite care.

"Assisted living" means a coordinated array of supportive personal and health services, available 24 hours per day, to residents who have been assessed as needing these services, including residents who require formal long term care.

"Campership" means a day or overnight accredited camp program for functionally impaired adults.

"Caregiver" means a spouse, parent, child, relative, or other person who is 18 years of age or older and who has the primary responsibility of providing daily care for the eligible person and who does not receive financial remuneration for the care.

"Co-payment" means financial participation in service costs by the eligible person according to a sliding fee scale.

"Companion or sitter services" means a non-medical, basic supervision service which is provided for the eligible person in his or her home on a short-term, intermittent basis. Companion or sitter services are intended for those eligible persons who do not require any personal care assistance, medical assistance, or housekeeping services during the time when respite care services are provided.

"Department" means the New Jersey Department of Health and Senior Services.

"Eligible person" means an applicant who meets the eligibility criteria as set forth in this chapter.

"Emergency" means providing respite care in the case of a sudden or unexpected event that impairs the ability of the caregiver to continue in that role. Such circumstances include, but are not limited to, sudden illness of a caregiver, the caregiver's spouse or children; a natural disaster; a death in the family of the caregiver; or an accident affecting the caregiver, the caregiver's spouse, or the caregiver's children.

"Functionally impaired" means the presence of a chronic physical or mental disease, illness, or disability, as certified by the physician, physician assistant, advanced practice nurse or a sponsor-provided assessment team, which causes physical dependence on others, and which leaves a person unable to attend to his or her basic daily needs without the substantial assistance or continuous supervision of a caregiver.

"Homemaker/home health aide services" means services which include personal care (that is eating, grooming, hygiene and toileting), household tasks, and activities provided to eligible persons in their homes.

"Homemaker services" means services which include personal care, household tasks, and activities provided to recipients in their homes by a homemaker or home health agency.

"Liquid resources" means any checking accounts, savings accounts, individual retirement accounts, certificates of deposits, stocks, or bonds, that can be converted into cash within 20 working days.

"Peer support" means the provision of mutual support services for caregivers involved in the Statewide Respite Care Program.

"Private Duty Nursing" means hourly service delivered by licensed nursing personnel in the eligible person's home.

"Provider" means a person, public agency, private non-profit agency, or proprietary agency which is licensed or certified or otherwise approved by the Commissioner to supply any service or combination of services described under "respite" as defined below.

"Residential health care" means short-term placement in a facility which provides food, shelter, supervised health care and related services to four or more persons, 18 years of age or older who are unrelated to the owner or administrator.