

CHAPTER 164B
STATEWIDE RESPITE CARE PROGRAM

Authority

N.J.S.A. 30:4F-7 et seq., particularly 30:4F-12; and Reorganization Plan No. 001-1996 (Whitman, May 2, 1996).

Source and Effective Date

R.2010 d.022, effective December 17, 2009.
See: 41 N.J.R. 2874(a), 42 N.J.R. 478(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 164B, Statewide Respite Care Program, expires on December 17, 2016. See: 43 N.J.R. 1203(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Chapter 14, Emergency and Temporary Housing Projects, was repealed by R.1983 d.523, effective November 21, 1983.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. 2557(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: 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 rules by R.2004 d.241, effective July 6, 2004. See: 35 N.J.R. 2633(a), 36 N.J.R. 3278(a).

Chapter 82, Statewide Respite Care Program, was readopted as R.2010 d.022, effective December 17, 2009. See: Source and Effective Date. See, also, section annotations.

Chapter 82 of Title 8, Statewide Respite Care Program, was recodified as Chapter 164B of Title 10 by administrative change, effective June 16, 2014. As a part of the recodification, administrative changes were made throughout concerning cross-references, agency names and addresses, and the elimination of text rendered redundant or moot by the transfer of authority. See: 46 N.J.R. 1643(a).

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SUBCHAPTER 1. GENERAL PROVISIONS

10:164B-1.1 Purpose

Pursuant to N.J.S.A. 30:4F-7 et seq., the Department of Human 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 functionally impaired persons, including the frail elderly.

Amended by R.2010 d.022, effective January 19, 2010.

See: 41 N.J.R. 2874(a), 42 N.J.R. 478(a).

Inserted "and Reorganization Plan No. 001-1996 (Whitman, May 2, 1996)," and "including the frail elderly" and deleted "frail elderly and other" preceding "functionally".

10:164B-1.2 Scope of service

(a) This chapter shall apply to all activities provided by 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 functionally impaired adults, including the frail elderly.

Amended by R.1993 d.256, effective June 7, 1993.

See: 25 N.J.R. 876(a), 25 N.J.R. 2557(b).

Amended by R.2010 d.022, effective January 19, 2010.

See: 41 N.J.R. 2874(a), 42 N.J.R. 478(a).

In (a), inserted "provided by", and inserted a comma following "including" and preceding "applicants"; and in (b), deleted "frail, elderly and" preceding "functionally" and inserted ", including the frail elderly".

10:164B-1.3 Target population; priority of services

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

(b) The sponsor agency shall give priority in receiving services to those situations 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).

Amended by R.2010 d.022, effective January 19, 2010.

See: 41 N.J.R. 2874(a), 42 N.J.R. 478(a).

In (a), deleted "providing the basic, daily care to the eligible person," following "individuals" and a comma following "fatigue", and inserted "basic, daily" and "for the eligible person"; and in (b), substituted "The sponsor agency shall give" for "Situations to be given" and "to those situations" for "are those".

10:164B-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 facility" means a facility or a distinct part of a facility, which is licensed by the Department of Health pursuant to N.J.A.C. 8:43F to provide preventive, diagnostic, therapeutic and rehabilitative services under medical and nursing supervision to meet the needs of functionally impaired adult participants, who are not related to the members of the governing authority by marriage, blood or adoption, for a period that does not exceed 12 hours during any calendar day.

"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 are rendered in the homes of trained caregivers who are employed by Department of Health licensed adult family care sponsor agencies.

"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 provided by a facility licensed by the Department of Health pursuant to N.J.A.C. 8:36, which are 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:

1. Is 18 years of age or older;
2. Has the primary responsibility of providing daily care for the eligible person; and
3. Does not receive financial remuneration for the care.

"Commissioner" means the Commissioner of the Department, or his or her designee.

"Co-payment" means financial participation in service costs by the eligible person according to a sliding fee scale established at N.J.A.C. 10:164B-6.2.

"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.

1. 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 Human 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.

1. Emergencies 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.