H. R. 3248

To amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2005

Mr. FERGUSON (for himself, Mr. LANGEVIN, Mr. TERRY, Mr. NORWOOD, Mrs. WILSON of New Mexico, and Mr. BROWN of Ohio) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lifespan Respite Care Act of 2005”.

SEC. 2. LIFESPAN RESPITE CARE.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:
“TITLE XXIX—LIFESPAN
RESPITE CARE

“SEC. 2901. DEFINITIONS.

“In this title:

“(1) ADULT WITH A SPECIAL NEED.—The term
‘adult with a special need’ means a person 18 years
of age or older who requires care or supervision to—

“(A) meet the person’s basic needs; or

“(B) prevent physical self-injury or injury
to others.

“(2) CHILD WITH A SPECIAL NEED.—The term
‘child with a special need’ means a person less than
18 years of age who requires care or supervision be-
yond that required of children generally to—

“(A) meet the child’s basic needs; or

“(B) prevent physical self-injury or injury
to others.

“(3) ELIGIBLE RECIPIENT.—The term ‘eligible
recipient’ means—

“(A) a State agency;

“(B) any other public entity that is capa-
ble of operating on a statewide basis;

“(C) a private, nonprofit organization that
is capable of operating on a statewide basis;
“(D) a political subdivision of a State that has a population of not less than 3,000,000 individuals; or

“(E) any recognized State respite coordinating agency that has—

“(i) a demonstrated ability to work with other State and community-based agencies;

“(ii) an understanding of respite care and family caregiver issues; and

“(iii) the capacity to ensure meaningful involvement of family members, family caregivers, and care recipients.

“(4) FAMILY CAREGIVER.—The term ‘family caregiver’ means an unpaid family member, a foster parent, or another unpaid adult, who provides in-home monitoring, management, supervision, or treatment of a child or adult with a special need.

“(5) LIFESPAN RESPITE CARE.—The term ‘lifespanspice care’ means a coordinated system of accessible, community-based respite care services for family caregivers of children or adults with special needs.

“(6) RESPITE CARE.—The term ‘respite care’ means planned or emergency care provided to a
child or adult with a special need in order to provide
temporary relief to the family caregiver of that child
or adult.

"SEC. 2902. LIFESPAN RESPITE CARE GRANTS AND COOP-
ERATIVE AGREEMENTS.

"(a) PURPOSES.—The purposes of this section are—

"(1) to expand and enhance respite care serv-
ices to family caregivers;

"(2) to improve the statewide dissemination and
coordination of respite care; and

"(3) to provide, supplement, or improve access
and quality of respite care services to family care-
givers, thereby reducing family caregiver strain.

"(b) AUTHORIZATION.—Subject to subsection (e), the
Secretary is authorized to award grants or cooperative
agreements to eligible recipients who submit an applica-
tion pursuant to subsection (d).

"(c) FEDERAL LIFESPAN APPROACH.—In carrying
out this section, the Secretary shall work in cooperation
with the National Family Caregiver Support Program Of-
is that the Administration on Aging and other respite care
program officers within the Department to ensure coordi-
nation of respite care services for family caregivers of chil-
dren and adults with special needs.

"(d) APPLICATION.—
“(1) SUBMISSION.—Each eligible recipient desiring to receive a grant or cooperative agreement under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

“(2) CONTENTS.—Each application submitted under this section shall include—

“(A) a description of the applicant’s—

“(i) understanding of respite care and family caregiver issues;

“(ii) capacity to ensure meaningful involvement of family members, family caregivers, and care recipients; and

“(iii) collaboration with other State and community-based public, nonprofit, or private agencies;

“(B) with respect to the population of family caregivers to whom respite care information or services will be provided or for whom respite care workers and volunteers will be recruited and trained, a description of—

“(i) the population of family caregivers;
“(ii) the extent and nature of the respite care needs of that population;

“(iii) existing respite care services for that population, including numbers of family caregivers being served and extent of unmet need;

“(iv) existing methods or systems to coordinate respite care information and services to the population at the State and local level and extent of unmet need;

“(v) how respite care information dissemination and coordination, respite care services, respite care worker and volunteer recruitment and training programs, or training programs for family caregivers that assist such family caregivers in making informed decisions about respite care services will be provided using grant or cooperative agreement funds;

“(vi) a plan for collaboration and coordination of the proposed respite care activities with other related services or programs offered by public or private, non-profit entities, including area agencies on aging;
“(vii) how the population, including family caregivers, care recipients, and relevant public or private agencies, will participate in the planning and implementation of the proposed respite care activities;

“(viii) how the proposed respite care activities will make use, to the maximum extent feasible, of other Federal, State, and local funds, programs, contributions, other forms of reimbursements, personnel, and facilities;

“(ix) respite care services available to family caregivers in the applicant’s State or locality, including unmet needs and how the applicant’s plan for use of funds will improve the coordination and distribution of respite care services for family caregivers of children and adults with special needs;

“(x) the criteria used to identify family caregivers eligible for respite care services;

“(xi) how the quality and safety of any respite care services provided will be monitored, including methods to ensure
that respite care workers and volunteers
are appropriately screened and possess the
necessary skills to care for the needs of the
care recipient in the absence of the family
caregiver; and

“(xii) the results expected from pro-
posed respite care activities and the proce-
dures to be used for evaluating those re-
sults; and

“(C) assurances that, where appropriate,
the applicant shall have a system for maintain-
ing the confidentiality of care recipient and
family caregiver records.

“(e) PRIORITY.—When awarding grants or coopera-
tive agreements under this section, the Secretary shall give
priority to—

“(1) applicants that show the greatest likeli-
hood of implementing or enhancing lifespan respite
care statewide; and

“(2) applicants from States that are not other-
wise receiving a grant under this title.

“(f) USE OF GRANT OR COOPERATIVE AGREEMENT
FUNDS.—

“(1) IN GENERAL.—
“(A) Mandatory uses of funds.—Each eligible recipient that is awarded a grant or cooperative agreement under this section shall use the funds, unless such a program is in existence—

“(i) to develop lifespan respite care at the State and local levels;

“(ii) to provide respite care services for family caregivers caring for children or adults;

“(iii) to train and recruit respite care workers and volunteers;

“(iv) to provide information to caregivers about available respite and support services; and

“(v) to assist caregivers in gaining access to such services.

“(B) Discretionary uses of funds.—Each eligible recipient that is awarded a grant or cooperative agreement under this section may use the funds for—

“(i) training programs for family caregivers to assist such family caregivers in making informed decisions about respite care services;
“(ii) other services essential to the
provision of respite care as the Secretary
may specify; or
“(iii) training and education for new
caregivers.
“(2) SUBCONTRACTS.—Each eligible recipient
that is awarded a grant or cooperative agreement
under this section may use the funds to subcontract
with a public or nonprofit agency to carry out the
activities described in paragraph (1).
“(g) TERM OF GRANTS OR COOPERATIVE AGREEMENTS.—
“(1) IN GENERAL.—The Secretary shall award
grants or cooperative agreements under this section
for terms that do not exceed 5 years.
“(2) RENEWAL.—The Secretary may renew a
grant or cooperative agreement under this section at
the end of the term of the grant or cooperative
agreement determined under paragraph (1).
“(h) SUPPLEMENT, NOT SUPPLANT.—Funds made
available under this section shall be used to supplement
and not supplant other Federal, State, and local funds
available for respite care services.
SEC. 2903. NATIONAL LIFESPAN RESPITE RESOURCE CENTER.

(a) Establishment.—The Secretary shall award a grant or cooperative agreement to a public or private nonprofit entity to establish a National Resource Center on Lifespan Respite Care (referred to in this section as the ‘center’).

(b) Purposes of the Center.—The center shall—

(1) maintain a national database on lifespan respite care;

(2) provide training and technical assistance to State, community, and nonprofit respite care programs; and

(3) provide information, referral, and educational programs to the public on lifespan respite care.

SEC. 2904. REPORT.

Not later than January 1, 2007, the Secretary shall report to the Congress on the activities undertaken under this title. Such report shall evaluate—

(1) the number of States that have lifespan respite care programs;

(2) the demographics of the caregivers receiving respite care services through grants or cooperative agreements under this title; and
“(3) the effectiveness of entities receiving
grants or cooperative agreements under this title.

“SEC. 2905. AUTHORIZATION OF APPROPRIATIONS.
“There are authorized to be appropriated to carry out
this title—
“(1) $90,500,000 for fiscal year 2006; and
“(2) such sums as are necessary for fiscal years
2007 through 2010.”.