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State of Connecticut
REGULATION
of

NAME OF AGENCY

Concerning

SUBJECT MATTER OF REGULATION

Section 1. Section 17b-423-8 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 17b-423-8. National Family Caregiver Support Program – Title III-E of the Older Americans Act.

(a) Purpose

The Department of Social Services shall operate a family caregiver support program pursuant to Title III-E of the Older American Act, 42 USC 3030s, as amended from time to time. The program shall be known as the “National Family Caregiver Support Program.” The department shall award funds received under Title III-E of the Older Americans Act to an Area Agency on Aging to provide multifaceted systems of support services for family caregivers and for grandparents or older individuals who are relative caregivers. These services include information and assistance to caregivers, respite care to enable caregivers to be temporarily relieved of caregiver responsibilities and supplemental services to complement the care provided by caregivers. In addition, these funds may be used to provide individual caregiver counseling and training, as well as for the organization and operation of support groups.

(b) Definitions

As used in this section:

- (1) “Care recipient” means a child or an older individual who is receiving direct care services from a caregiver or a service provider;
- (2) “Caregiver” means a “family caregiver” or a “grandparent or older individual who is a relative caregiver” as defined in subdivisions (b)(4) and (5) of this section. The caregiver is the recipient of the support services funded by the National Family Caregiver Support Act;
- (3) “Child” means an individual who is not more than 18 years of age or who is an individual with a disability;
- (4) “Family caregiver” means an adult family member, or another individual, who is an informal provider of in-home and community care to an older individual;
- (5) “Grandparent or older individual who is a relative caregiver” means a grandparent or stepgrandparent of a child, or a relative of a child by blood, marriage or adoption who is 55 years

of age or older and (A) lives with the child; (B) is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregiver of the child; and (C) has a legal relationship to the child, such as legal custody or guardianship, or is raising the child informally;

- (6) "Program" means a caregiver support program funded by Title III-E, the National Family Caregiver Support Act, 42 USC §3030s;
- (7) "Personal care assistant services" means physical assistance provided to the care recipient, under the self-directed care option, that assist the care recipient to carry out activities of daily living and instrumental activities of daily living;
- (8) "Self-directed care" means an optional approach to providing services under the National Family Caregiver Support program under which the respite services, provided by a personal care assistant, are planned, budgeted and purchased under the direction and control of the caregiver, the care recipient or the care recipient's representative; and
- (9) "Title III-E" means the National Family Caregiver Support Program established pursuant to the National Family Caregiver Support Act, 42 USC 3030s.

(c) Coordination

An Area Agency on Aging shall coordinate its activities with the activities of other community agencies and volunteer organizations that provide the types of services required by the program to carry out the provisions of Title III-E.

(d) Maintenance of Effort

Title III-E funds shall be used in addition to, and may not be used to supplant, any funds that are or would otherwise be expended under federal, state or local law by a state or unit of general purpose local government for program service

(e) Funding Parameters

- (1) The federal share of the cost of carrying out a program pursuant to this section shall not exceed seventy-five per cent of the total cost of the program. The nonfederal share of the cost shall be provided from state and local sources.
- (2) An Area Agency on Aging shall not use more than ten per cent of the total of federal and nonfederal shares awarded to them to provide program services to grandparents and older individuals who are relative caregivers.
- (3) An Area Agency on Aging shall not use more than twenty per cent of the total federal and nonfederal share awarded to them to provide supplemental services to caregivers.
- (4) An Area Agency on Aging shall not provide a direct subsidy to any caregiver through the program.

(f) Eligibility

For a caregiver to be eligible for caregiver support services under Title III-E, the following requirements shall be met:

- (1) The caregiver shall be a “family caregiver” or a “grandparent or an older individual who is a relative caregiver” as defined in subsections (b)(4) and (5) of this section;
- (2) the care recipient shall be a Connecticut resident who is residing in the community; and
- (3) the care recipient shall be:
 - (A) A “child” as defined in subsection (b)(3) of this section; or
 - (B) an older individual who:
 - (i) Is unable to perform at least two activities of daily living without substantial human assistance, or three such activities if the care recipient is severely disabled; including verbal reminding, physical cueing, or supervision; or
 - (ii) due to a cognitive or other mental impairment, requires substantial supervision because the older individual behaves in a manner that poses a serious health or safety hazard to themselves or another individual.

(g) Limitations on Services

- (1) Only one caregiver per care recipient may receive respite services in any fiscal year.
- (2) Only one caregiver per care recipient may receive supplemental services in any fiscal year.
- (3) A caregiver shall not receive respite service benefits for any care recipient in excess of \$3,500 in any fiscal year. A caregiver shall not receive supplemental service

benefits for any care recipient in excess of [\$7,500] \$750 in any fiscal year.

(h) Priority

Service levels are subject to the limits of funding allocations to an Area Agency on Aging. If an Area Agency on Aging determines that all requests for services cannot be accommodated within the funds allocated, then priority shall be given to:

- (1) Caregivers who are older individuals with the greatest social need, and older individuals with the greatest economic need, with particular attention to low-income older individuals;
- (2) grandparents or older individuals providing care to care recipients with severe disabilities, including children with severe disabilities as defined in 42 USC §3002(48); or
- (3) caregivers who provide care for care recipients with Alzheimer's disease and related disorders with neurological and organic brain dysfunction.

(i) Selection of Service Providers

(1) General Rule

An Area Agency on Aging shall make awards for information and assistance to caregivers, individual caregiver counseling and training, organization and operation of support groups, respite care to enable caregivers to be temporarily relieved of caregiver responsibilities and supplemental services to complement the care provided by caregivers to a provider or providers that furnish any or all types of services. All service providers, except personal care assistants hired by the caregiver, the care recipient or the care recipient's representative under the self-directed care option, shall meet the requirements of subdivision (3) of this subsection.

(2) Process for Selecting Service Providers

- a. An Area Agency on Aging shall award funds either through a competitive grant process or contract process, as appropriate; or
- b. the caregiver, care recipient or the representative of a care recipient may opt to receive respite services through the self-directed care option, as defined in subsection (b) of this section. Under self-directed care, respite service providers are selected by the caregiver, the care recipient or the care recipient's representative.

(3) Service Provider qualifications

- (A) A provider of services shall be accountable to each the contracting Area Agency on Aging, the caregiver, the care recipient or the care recipient's representative, as appropriate.
- (B) A provider of respite services and supplemental services, as applicable, shall meet the requirements of provider participation of the specified services as established for the Connecticut Homecare Program for Elders, pursuant to section 17b-342-2 of the Regulations of Connecticut State Agencies, to the extent that such requirements do not

conflict with this section.

- (C) A provider of respite services funded by the National Family Caregiver Support program shall not be the spouse of the care recipient nor the conservator of the care recipient. The relative of the conservator of the care recipient may only be a provider of respite care services with prior approval from the department.
 - (D) A provider of respite care services shall agree to the rates of reimbursement established by the department for the Connecticut Home Care Program for Elders for the same or similar services. If the caregiver, the care recipient or the care recipient's representative chooses the self-directed care option, the rate paid to the personal care assistant shall be negotiated between the caregiver, the care recipient or the care recipient's representative and the personal care assistant.
- (j) Voluntary Contributions
- (1) A caregiver or a care recipient may, but shall not be required to, contribute to the cost of any service.
 - (2) An Area Agency on Aging:
 - (A) shall establish a non-coercive solicitation process to facilitate voluntary contributions for program services;
 - (B) may request that a caregiver or a care recipient share in the cost of respite or supplemental services by voluntarily contributing to the cost of those services;
 - (C) shall not request that a caregiver or a care recipient share in the cost of services if the income of the care recipient is at or below the federal poverty level; and
 - (D) shall use funds received from voluntary contributions to apply to respite and supplemental program costs for services as appropriate.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

Statement of Purpose: (A) The problems, issues or circumstances that the regulation proposes to address: The amount stated in subdivision 17b-423-8 (g)(3) of the Regulations of Connecticut State Agencies is incorrect due to a typographical error and must be corrected. Currently, the language of this subdivision provides that the amount of supplemental service benefits is limited to \$7500 per fiscal year. The correct amount is \$750 per fiscal year.

(B) The main provision of the regulation amends the amount of supplemental service benefits available to a caregiver in a fiscal year from \$7500 to \$750.

(C) The legal effects of the regulation, including all the ways the regulation would change existing regulation or other laws: The proposed amendment corrects a typographical error.