

Secretary of the State File Number

**6383**

Regulation of the

**Department of Aging and Disability Services**  
Concerning

**National Family Caregiver Support Program**

Regulations adopted after July 1, 2013, become effective upon posting to the Connecticut eRegulations System, or at a later date if specified within the regulation.

Posted to the Connecticut eRegulations System on **May 4, 2023**

EFFECTIVE DATE

**May 4, 2023**

Approved by the Attorney General on

**February 10, 2023**

Approved by the Legislation Regulation Review Committee on

**April 25, 2023**

Electronic copy with agency head certification statement electronically submitted to and received by the Office of the Secretary of the State on

**May 2, 2023**

Form ICM-ECOPY (NEW 6/2015)  
State of Connecticut  
Secretary of the State



**IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES**  
This form should be used only for regulations first noticed *on and after March 23, 2015*.

## Electronic Copy Certification Statement

*(Submitted in accordance with the provisions of section 4-172 of the Connecticut General Statutes)*

Regulation of the  
**Department of Aging and Disability Services**  
Concerning  
**National Family Caregiver Support Program**

Approved by the Legislative Regulation Review Committee: **April 25, 2023**

eRegulations System Tracking Number: **PR2022- 043**

**I hereby certify** that the electronic copy of the above-referenced regulation submitted herewith to the Secretary of the State is a true and accurate copy of the regulation approved in accordance with sections 4-169 and 4-170 of the *Connecticut General Statutes*.

**And I further certify** that in accordance with the approval of Legislative Regulation Review Committee, all required technical corrections, page substitutions and deletions, if any, have been incorporated into said regulation.

**In testimony whereof**, I have hereunto  
set my hand on **May 1, 2023**.

A handwritten signature in blue ink that reads "Amy Porter".

Amy Porter  
Commissioner

Department of Aging and Disability Services

State of Connecticut  
Regulation of  
**Department of Aging and Disability Services**  
Concerning  
**National Family Caregiver Support Program**

Section 1. The Regulations of the Connecticut State Agencies are amended by adding section 17a-854-8 as follows:

**(NEW) Section 17a-854-8. National Family Caregiver Support Program under Title III-E of the Older Americans Act.**

- (a) **Definitions.** Unless otherwise specified in this subsection, the meanings provided under sections 42 USC 3002, 42 USC 3022 and 42 USC 3030s shall apply to the terms found in this section.

As used in this section:

- (1) “Area Agency on Aging” or “AAA” has the same meaning as provided in 42 USC 3002, as amended from time to time;
- (2) “Care recipient” means a child, an individual with a disability, an older individual or an individual with Alzheimer’s disease or a related disorder with neurological or organic brain dysfunction, who is receiving direct care services from a caregiver or a service provider;
- (3) “Caregiver” means a “family caregiver” as defined in 42 USC 3022(3) or an “older relative caregiver,” as defined in 42 USC 3030s, who is the beneficiary of the support services funded by the National Family Caregiver Support Program;
- (4) “Frail” means an older individual that requires substantial human assistance, including verbal reminding, physical cueing or supervision with at least two activities of daily living;
- (5) “National Family Caregiver Support Program” means the support services program for family caregivers and older relative caregivers authorized pursuant to 42 USC 3030s.
- (6) “Personal Care Assistant” or “PCA” means an individual who is hired, either by a caregiver through the self-directed care option, or an individual who works with an agency that has contracted with the AAA, as a respite service provider who provides physical assistance to the care recipient to carry out activities of daily living and instrumental activities of daily living;
- (7) “Program” means the National Family Caregiver Support Program;
- (8) “Self-directed care” means an optional approach to providing respite care services, provided by a PCA that are planned, budgeted and procured under the direction and control of the caregiver, care recipient or representative of the care recipient;

- (9) “State Unit on Aging” or “SUA” means the state agency designated by the state pursuant to section 17a-780 of the Connecticut General Statutes to carry out the duties under 42 USC 3025(a)(1), as amended from time to time;
- (10) “Support services” has the same meaning as provided in 42 USC 3030s-1(b), as amended from time to time; and
- (11) “Title III-E” means the National Family Caregiver Support Program established pursuant to the National Family Caregiver Support Act, 42 USC 3030s.

(b) **Purpose.** The program shall be known as the “National Family Caregiver Support Program.” The objective of the National Family Caregiver Support Program is to provide a multifaceted system of support services to family caregivers and older relative caregivers to reduce the stress caused by the responsibilities of caring for another individual and to help sustain the efforts of such caregivers. The State Unit on Aging shall manage and distribute funds allocated to the state under 42 USC 3030s, Title III-E of the Older Americans Act, as amended from time to time, to the designated Area Agencies on Aging to implement the National Family Caregiver Support Program to provide support services to family caregivers and older relative caregivers.

(c) **Scope.** The support services that shall be available to eligible family caregivers and older relative caregivers through the National Family Caregiver Support Program include:

- (1) Information about available services;
- (2) Assistance in gaining access to services;
- (3) Individual counseling, organization of support groups and caregiver training to assist caregivers in areas related to their caregiving role;
- (4) Respite care to provide caregivers temporary relief from caregiver responsibilities; and
- (5) Supplemental services, on a limited basis, to complement the care provided by caregivers.

(d) **Eligibility. Priority Populations.**

(1) The SUA shall allocate funds to each AAA to provide support services to eligible (A) family caregivers of older adults or caring for individuals of any age with Alzheimer’s disease or a related disorder with neurological and organic brain dysfunction; or (B) older relative caregivers, fifty-five (55) years or older, caring for a child or an individual with disabilities.

(2) To be eligible for the program the care recipient shall be a Connecticut resident who lives in the community.

(3) **Priority Populations.** Priority for services shall be given to:

- (A) A family caregiver who provides care for an older individual, as defined in 42 USC 3002, as amended from time to time, with Alzheimer's disease or a related disorder with neurological or organic brain dysfunction;
- (B) A caregiver who is an older individual, as defined in 42 USC 3002, as amended from time to time, with the greatest social or economic need, with particular attention to low-income older individuals; and
- (C) An older relative caregiver, as defined in 42 USC 3030s(a), as amended from time to time, of a child or adult with severe disabilities.

(e) **Support Services.** An eligible caregiver may receive any of the support services set forth in 42 USC 3030s-1(b), as amended from time to time.

(f) **Service requirements and limitations.** Requirements for respite or supplemental services for a family caregiver providing care to an older individual. Limitations on services.

(1) **Requirements for respite or supplemental services.** A family caregiver caring for an older individual shall demonstrate that such older individual is frail to be considered eligible for respite or supplemental services. If the older individual is not frail, the family caregiver shall be eligible to receive all other services offered under the National Family Caregiver Support Program except respite and supplemental services.

(2) **Limitations on Services.**

- (A) Only one caregiver per care recipient may receive respite services in any federal fiscal year.
- (B) An eligible caregiver may receive up to three thousand five hundred dollars (\$3,500) for respite care services or receive up to thirty (30) days of out-of-home respite care services, other than adult daycare, under the program in any federal fiscal year. An eligible caregiver that demonstrates a need for additional respite care services may receive an additional four thousand dollars (\$4,000) during the same federal fiscal year if approved by the AAA. Under no circumstances shall an eligible caregiver receive more than a total of seven thousand five hundred dollars (\$7,500) in any federal fiscal year for respite care services. An AAA shall consider various factors to determine if an eligible caregiver needs additional respite care services including, but not limited to, whether:
  - (i) The caregiver is experiencing a physical or mental impairment;
  - (ii) The caregiver is not receiving any other respite services;

- (iii) The care recipient is physically or emotionally abusive to the primary caregiver;
  - (iv) The care recipient is at risk for neglect or abuse; or
  - (v) The burden of care is significant.
- (C) Only one (1) caregiver per care recipient may receive supplemental services in any federal fiscal year.
- (D) A caregiver shall not receive more than one thousand five hundred dollars (\$1,500) in supplemental service benefits for any care recipient in any federal fiscal year.
- (3) Funds made available through Title III-E of the Older Americans Act to provide support services shall be used to supplement, and not supplant, any federal, state or local funds expended by the state or unit of general purpose of local government, including an AAA, to provide services described in 42 USC 3030s-1(b).
- (4) Availability of services may be limited by appropriations made to the state under 42 USC 3023, as amended from time to time.
- (5) An AAA shall not provide a direct subsidy to any caregiver through the program.
- (6) **Use of volunteers.** The AAA shall make use of trained volunteers as required under 42 USC 3030s-1(d).
- (7) The AAA shall coordinate its activities with the activities of other community agencies and volunteer organizations that provide the types of services required by the National Family Caregiver Support Program to carry out the purpose of the program.
- (g) **Funding parameters**
  - (1) The federal share of the cost of carrying out a state program pursuant to this section shall not exceed seventy-five (75) per cent. The non-federal share of the cost shall be provided from state and local resources.
  - (2) An AAA shall not use more than twenty (20) per cent of the total of federal funds received to provide program services to grandparents and older individuals who are relative caregivers.
  - (3) An AAA shall not use more than twenty (20) per cent of the total of federal funds received to provide supplemental services to caregivers.

(4) If a national, state-wide or regional public health or civil preparedness emergency is declared or proclaimed and additional state or federal funds are received by the SUA to respond to the needs of older adults, the Commissioner of Aging and Disability Services, or any successor agency, may temporarily adjust spending caps for respite and supplemental services under the program to allow for more efficient and timely delivery of services until the expiration of such public health or civil preparedness emergency.

(h) (1) **Selection of Service Providers.** Unless the AAA has applied for and received approval from the SUA for a Title III-E waiver that allows the AAA to provide one or more support services, the AAA shall make awards to providers to furnish any and all support services described under subsection (c). All service providers, except PCAs hired by the caregiver, the care recipient or the representative of the care recipient under the self-directed care option, shall meet the service provider qualifications of subdivision (3) of this subsection.

(2) **Process for Selecting Service Providers.**

(A) An AAA shall award funds either through a competitive grant process or contract process; 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 (a). Under self-directed care, respite service providers are selected by the caregiver, the care recipient or the representative of the care recipient.

(3) **Service provider qualifications.**

(A) A provider of services shall be accountable to each the contracting Area Agencies on Aging, the caregiver, the care recipient or the representative of the care recipient, 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, 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. A relative of the conservator of the

care recipient may only be a provider of respite care services with prior approval from the SUA.

- (D) A provider of respite care services shall agree to the rates of reimbursement established by the Department of Social Services for the Connecticut Home Care Program for Elders for the same or similar services. If the caregiver, the care recipient or the representative of the care recipient 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 representative of the care recipient and the personal care assistant.
- (i) **Caregiver Assessment.** An assessment, prescribed by the SUA, shall be completed for the caregiver and care recipient to assess the needs of both parties to develop a care plan.
  - (1) The assessment shall include, but not be limited to:
    - (A) A caregiver profile, including demographic information on the caregiver and the care recipient;
    - (B) An evaluation of the informal support systems available to, and used by, the caregiver;
    - (C) A care recipient profile and an evaluation of the strengths and needs of the care recipient; and
    - (D) A determination of the formal support systems and resources available to the caregiver in the community.
  - (2) An assessment and reassessment shall be completed using a format and time frames prescribed by the SUA.
- (j) **Reporting Requirements.** Each AAA shall collect data and maintain records relating to the program in a format specified by the SUA and submit such data and records to the SUA as requested by the SUA.
- (k) **Cost Sharing.** Pursuant to 42 USC 3030c-2(a), as amended from time to time, a care recipient or the representative of the care recipient who has received respite or supplemental services may be asked to pay a cost-share amount. A care recipient or the representative of the care recipient who fails to pay such amount shall not be denied service.
- (l) **Voluntary Contributions.** In accordance with 42 USC 3030c-2(b), as amended from time to time, a care recipient or the representative of the care recipient who has received any support services may be asked to make a voluntarily contribution toward such support services. A care recipient or the representative of the care recipient shall not be denied services if a voluntary contribution is not made.



Section 2. Section 17b-423-8 of the Regulations of Connecticut State Agencies is repealed.

R-39 Rev. 02/2012

### **Statement of Purpose**

The purpose of this regulation is to set forth the provisions governing the administration of the National Family Caregiver Support Program (NFCSP), a respite care program funded by the Older Americans Act. NFCSP provides a variety of support services to caregivers of older adults, as well as older adult caregivers caring for adult children with disabilities or grandchildren. The proposed revisions have been made in response to amendments made in the *Supporting Older Americans Act of 2020*, P.L. 116-131, to align spending caps with the increased cost of providing respite care, and to make several technical changes and updates.

**IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES**

This form is to be used for proposed permanent and technical amendment regulations only and must be completed in full.

**AGENCY CERTIFICATION**

**Department of Aging and Disability Services**

Proposed Regulation Concerning

**National Family Caregiver Support Program**

eRegulations System Tracking Number **PR2022-043**

**I hereby certify the following:**

(1) The above-referenced **regulation** is proposed pursuant to the following statutory authority or authorities: **Sec. 17a-854 Conn. Gen. Stat.**

*For technical amendment regulations proposed without a comment period, complete #2 below, then skip to #8.*

(2) As permitted by Section 4-168(h) of the *Connecticut General Statutes*, the agency elected to proceed without prior notice or hearing and posted the text of the proposed technical amendment regulation on eRegulations System website on **<<select and enter the date of posting>>**.

*For all other non-emergency proposed regulations, complete #3 - #7 below, then complete #8)*

(3) The agency posted notice of intent with a specified comment period of not less than 30 days to the eRegulations System website on **September 8, 2022**.

(4) *(Complete one)* ☒ No public hearing held or was required to be held. **OR** ☐ One or more public hearings were held on: **<<select and enter dates>>**.

(5) The agency posted notice of decision to move forward with the proposed regulation to the eRegulations System website on **January 9, 2023**.

(6) *(Complete one)* ☐ No comments were received. **OR** ☒ Comments were received and the agency posted the statements specified in subdivisions (1) and (2) of CGS Section 4-168(e) to the eRegulations System website on **January 9, 2023**.

(7) The final wording of the proposed regulation was posted to the eRegulations System website on **January 9, 2023**.


(8) Subsequent to approval for legal sufficiency by the Attorney General and approval by the Legislative Regulation Review Committee, **the final regulation shall be effective**

*(Check one and complete as applicable)*

☒ When posted to the eRegulations System website by the Secretary of the State.

**OR** ☐ On \_\_\_\_\_

*(Date must be a specific calendar date not less than 11 days after submission to the Secretary of the State)*

  
**SIGNED**  
 (Head of Board, Agency or Commission,  
 or duly authorized deputy)

Commissioner  
 OFFICIAL TITLE

1/12/2023  
 DATE

# **OFFICE OF THE ATTORNEY GENERAL REGULATION CERTIFICATION**

**Agency: Connecticut Department of Aging and Disability Services**

***REGULATION NUMBER PR2022-043***

**This Regulation is hereby APPROVED by the Attorney General as to legal sufficiency in accordance with Connecticut General Statutes § 4-169.**

**DATE: 2/10/2023**



**Signed: \_\_\_\_\_**

***Daniel Shapiro  
Deputy Associate Attorney General  
Chief of the Health and Education Section  
Duly Authorized***

# The Connecticut General Assembly

## Legislative Regulation Review Committee



Senator John Kissel  
Senate Chair

Representative Lucy Dathan  
House Chair

### Official Record of Committee Action

April 25, 2023

Agency:	Department of Aging and Disability Services
Description:	National Family Caregiver Support Program
LRRC Regulation Number:	2023-005
eRegulation Tracking Number:	PR2022-043

The above-referenced regulation has been

### Approved with Technical Corrections

by the Legislative Regulation Review Committee in accordance  
with CGS Section 4-170.

Catherine M. Thomas  
Committee Administrator



State of Connecticut  
Office of the Secretary of the State

**Confirmation of Electronic Submission**

Re: Regulation of the Department of Aging and Disability Services concerning  
National Family Caregiver Support Program  
eRegulations System Tracking Number PR2022-043  
Legislative Regulation Review Committee Docket Number 2023-005

The above-referenced regulation was electronically submitted to the Office of the Secretary of the State in accordance with Connecticut General Statutes Section 4-172 on May 2, 2023.

Said regulation is assigned Secretary of the State File Number 6383.

The effective date of this regulation is May 4, 2023.

A handwritten signature in blue ink, appearing to read "Stephanie Thomas".

Stephanie Thomas  
Secretary of the State  
May 4, 2023

By:

/s/ Christopher R. Drake  
Christopher R. Drake  
Director, Business Services  
Division