

**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-306-8a as follows:

(NEW) Section 17a-306-8a. National Family Caregiver Support Program under Title III. E. of the Older Americans Act.

- (a) 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 section 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.
- (b) 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.
- (c) Definitions. Unless otherwise specified by this section, the meanings provided under sections 42 USC 3002, 3022 and 3030s shall apply to the terms found in sections 17a-306-8a of the Regulations of Connecticut State Agencies.

As used in section 17a-306-8a of the Regulations of Connecticut State Agencies:

- (1) “Area Agency on Aging” or “AAA” has the same meaning as provided in 42 USC section 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 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” or an “older relative caregiver,” as defined in 42 USC section 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) “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;
 - (6) “Program” means the National Family Caregiver Support Program;
 - (7) “Self-directed care” means an optional approach to providing respite services, provided by a PCA, that are planned, budgeted and procured under the direction and control of the caregiver, care recipient or care recipient’s representative;
 - (8) “State Union Aging” or “SUA” means the state agency designated by the state to carry out the duties under 42 USC section 3025(a)(1), as amended from time to time;
 - (9) “Subsidized rate” means a maximum payment amount, negotiated between the AAA and a respite provider. This negotiated subsidized rate is the portion paid by the AAA to the respite provider. Any amount more than the subsidized rate is payable by the caregiver, care recipient or other third party;
 - (10) “Support services” has the same meaning as defined in 42 USC section 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 section 3030s.

(d) Eligibility. Priority Populations.

- (1) The SUA shall allocate funds to each of the designated 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 related disorder with neurological and organic brain dysfunction; or (B) older relative caregivers, 55 years or older, caring for a child or an individual with disabilities.
- (2) To be eligible 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 section 3002, as amended from time to time, with Alzheimer’s disease or related disorders with neurological or organic brain dysfunction;
 - b. A caregiver who is an older individual, as defined in 42 USC section 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 section 3030s(a), as amended from time to time, of a child with severe disabilities, or an individual with severe disabilities.
- (e) Support Services. An eligible caregiver may receive any of the support services set forth in 42 USC section 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 meets the criteria set forth in the definition of “frail” under subsection (c) to be considered eligible for respite or supplemental services. If the older individual does not meet the definition of “frail,” the family caregiver shall remain 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 (\$4000) 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 (\$7500) 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 (\$1500) 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 section 3030s-1(b).
- (4) Availability of services may be limited by appropriations made to the state under 42 USC section 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 section 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 program to carry out the purpose of the National Family Caregiver Support 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) percent 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) percent of the total federal received to provide supplemental services to caregivers.
 - (4) If a national, state-wide or regional public health and civil preparedness emergency is declared and additional state or federal funds are received by the SUA to respond

to the needs of older adults, the Commissioner of the Department 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 emergency.

- (h) Selection of Service Providers. Unless the AAA has applied for and received approval from the SUA for a Title III. E. waiver to provide support services, the AAA 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 PCAs hired by the caregiver, the care recipient or the care recipient's representative under the self-directed care option, shall meet the service provider qualifications of subdivision (3) of this subsection.

Process for Selecting Service Providers

1. An AAA shall award funds either through a competitive grant process or contract process; or
2. 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 (c). 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
 - i. A provider of services shall be accountable to each the contracting Area Agencies on Aging, the caregiver, the care recipient or the care recipient's representative, as appropriate.
 - ii. 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.

- iii. 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.
 - iv. 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 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.
 - v. Exceptions. If the AAA finds that circumstances exist that prevent the AAA from contracting with any providers of respite care under the requirements established for similar providers under the Connecticut Home Care Program for Elders, the AAA may waive provider participation requirements, negotiate a rate higher than the rate set by the Department of Social Services for services paid for under the Connecticut Home Care Program for Elders, or pay a subsidized rate for respite services. Such exceptions should only be granted when it is demonstrated that all other alternatives have been considered and no provider will contract to provide the respite services needed.
- (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.
- a. The assessment shall include, but not be limited to:
 - i. A caregiver profile, including demographic information on the caregiver and the care recipient;
 - ii. An evaluation of the informal support systems available to, and used by, the caregiver;
 - iii. A care recipient profile and an evaluation of the strengths and needs of the care recipient; and
 - iv. A determination of the formal support systems and resources available to the caregiver in the community.
 - b. An assessment and reassessment shall be completed using a format and time frames prescribed by the SUA.

(j) **Reporting Requirements.**

- a. The AAA shall collect data and maintain records relating to the NFCSP in a format specified by the SUA; and
- b. The AAA shall furnish the records to the SUA as specified.

(k) **Cost Sharing.** Pursuant to 42 USC section 3030c-2(a), as amended from time to time, a care recipient (or their representative) who has received respite or supplemental services may be asked to pay a cost-share amount. A care recipient (or their representative) who fails to make a cost sharing payment, however, cannot be denied service.

(l) **Voluntary Contributions.** In accordance with 42 USC section 3030c-2(b), as amended from time to time, a care recipient (or their representative) who has received any support services may be asked to make a voluntarily contribution toward such support services. A care recipient (or their representative) may 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.

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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.