

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: 06/8/99

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau 6-3847

By/Representing: Carabell

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Alt. Drafters:

Subject: Health - long-term care

Extra Copies: TAY

---

**Pre Topic:**

LFB:.....Carabell -

---

**Topic:**

Respite care

---

**Instructions:**

See Attached; Motion #896

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kenneda 06/8/99	chanaman 06/8/99		_____			
/1			martykr 06/8/99	_____	lrb_docadmin 06/8/99		
/2	kenneda 06/14/99	chanaman 06/14/99	martykr 06/14/99	_____	lrb_docadmin 06/15/99		

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: 06/8/99

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau 6-3847

By/Representing: Carabell

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Alt. Drafters:

Subject: Health - long-term care

Extra Copies: TAY

**Pre Topic:**

LFB:.....Carabell -

**Topic:**

Respite care

**Instructions:**

See Attached; Motion #896

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kenneda 06/8/99	chanaman 06/8/99		_____			
/1		cmh 6/14 /2	martykr 06/8/99 Rm 6/14	_____	lrb_docadmin 06/8/99		

FE Sent For:

<END>

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: **06/8/99**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-3847**

By/Representing: **Carabell**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact:

Alt. Drafters:

Subject: **Health - long-term care**

Extra Copies: **TAY**

**Pre Topic:**

LFB:.....Carabell -

**Topic:**

Respite care

**Instructions:**

See Attached; Motion #896

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	kenneda	cmr 1 u/g	dm 6/8	cf 2 dm/8			

FE Sent For:

<END>

**Kennedy, Debora**

---

**From:** Hanson, Lori  
**Sent:** Monday, June 07, 1999 3:20 PM  
**To:** Kennedy, Debora; Carabell, Rachel  
**Subject:** Motion #896

Rachel asked that I forward this motion to you.



896.doc

HEALTH AND FAMILY SERVICES

Respite Care

Motion:

Move to provide \$50,000 GPR in 1999-00 and \$225,000 GPR in 2000-01 for a life-span respite care project. Require DHFS to contract for the administration of the project with a private nonprofit organization: (a) that is capable of operating on a statewide basis and has expertise in respite care issues; (b) with at least 51% of its board comprised of consumers of respite care or caregivers; (c) with board members that are providers and elected officials and represent diverse geographical areas and cultural groups in the state.

Require the administering organization to do the following:

- After consulting with DHFS, counties, tribes and bands, providers and caregivers, prescribe criteria for the distribution of grants to conduct life-span respite care projects that include the requirement that grant funds be equally distributed among four administrative regions of the state plus one grant in any area of the state;
- Solicit applications to award grants for a life-span respite care project to a county, a tribe or band, a community-based private nonprofit or profit entity;
- Require that the grantee contribute matching funds equal to 25% of the grant, including at least 10% for direct services and at least 15% for in-kind services and require that these matching funds be used by the grantee to fund payments from caregivers to providers;
- Oversee life-span respite care grants, and monitor, provide technical assistance to and evaluate the projects;
- Develop best practice guidelines and a training curriculum that may be used by the project and any other respite care provider in the state;
- Promote the exchange of information and coordination among the state, local governments, the projects, entities serving persons with special needs, families of persons with special needs and person in favor of the promotion of respite care services, to encourage the efficient provision of respite care services;

---

- Act as a statewide clearinghouse of information about respite care and existing respite care programs and resources and operate a library of materials that may be lent to persons or organizations upon request; and

- Conduct analyses of respite care policies and proposals and identify and promote resolution of respite policy concerns at legislative, state and local levels.

Specify that funds awarded under this provision may not be used to supplant funds otherwise available and, prior to receipt of the grant, dedicated by the grantee to respite care.

Require projects funded under this provision to do all of the following:

- Operate in a culturally competent manner and be sensitive to the unique needs and strengths of a person with special needs and his or her family or caregiver;

- Identify, coordinate and develop resources for respite care that are built, to the extent possible, on existing community support services;

- Recruit and screen providers;

- Identify training resources and organize training programs for providers that address different populations in need of respite care;

- Facilitate access by caregivers and families of persons with special needs to an array of respite care service options for which the person with special needs is eligible, that are responsive to caregiver and family needs and that are available before families and primary caregivers reach a crisis situation;

- Assist caregivers and families of persons with special needs to identify and coordinate funds and resources available for respite care for which the person with special needs is eligible and authorize and provide for a variety of funds and resources to make available additional respite care services for persons with special needs.

Require each project to create an advisory committee to advise the project on how the project may best serve persons with special needs and their caregivers. Consumers of respite care services and caregivers must comprise at least 51% of the advisory committee membership and must be representative of the diversity of persons who receive services under the project. Other members shall include providers, representative of local service agencies and members of the community.

Require DHFS and the organization that would administer the life-span respite care project under this provision to, by June 1, 2004, evaluate the projects. If, following the evaluation, DHFS and the organization determine that it is feasible to integrate the projects with any integrated, organized system of long-term care services operated by DHFS, require DHFS to submit statutory language to the Department of Administration that would be proposed for inclusion in the 2005-07

biennial budget to effect the integration.

Create an annual GPR appropriation for the life-span respite care project and definitions for "abuse," "caregiver," "county department," "neglect," "provider," "respite care," "special need," and "tribe or band."

---

Note:

This motion would incorporate most of the provisions of LRB 1300/3 into the bill with the following modifications. First, the motion would provide \$50,000 GPR in 1999-00 and \$225,000 in 2000-01, rather than \$75,000 GPR in 1999-00 and \$450,000 GPR in 2000-01. Second, the motion would direct DHFS to distribute up to five (rather than six) grants in the 1999-01 biennium and would not incorporate provisions in LFB 1300/3 that would increase the number of grants DHFS would distribute in the 2001-03 and 2003-05 biennia.

[Change to Bill: \$275,000 GPR]

1999

Date (time) needed

Soon. In edit 6/8

LRB b 0584 / 11

**LFB BUDGET AMENDMENT  
[ONLY FOR LFB]**

DAK : cmv : \_\_\_\_\_

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**LFB AMENDMENT  
TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45**

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page 434, line 16..: after that line insert ✓

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :



**1999 BILL**

1 **AN ACT to create** 20.435 (7) (br) and 46.986 of the statutes; **relating to:** creating  
2 a respite care program and making an appropriation.

---

***Analysis by the Legislative Reference Bureau***

This bill creates a respite care program in the department of health and family services (DHFS), under which DHFS must contract using general purpose revenues, as appropriated in the bill, with a private, nonprofit organization that meets certain requirements, including the capability of operating on a statewide basis. The organization must, in turn, prescribe criteria for, award and oversee grants to conduct life-span respite care projects. ("Respite care" is defined in the bill to mean care that is provided to a person with special needs, or a person at risk of abuse or neglect, in order to provide temporary relief to the caregiver of that person or when the caregiver is unable to provide care.) The organization also must develop best practice guidelines and a training curriculum for use by the respite care projects and other respite care providers; promote the exchange of information among various entities to encourage the efficient provision of respite care services; act as a statewide clearinghouse of information about respite care and existing programs and resources; and conduct analyses of respite care policies and proposals and identify and promote resolution of respite care policy concerns at legislative, state and local levels.

Under the bill, the life-span respite care project grants may be awarded by the organization to county departments of social services, human services, community programs or developmental disabilities services; governing bodies of federally recognized American Indian tribes or bands; or community-based private entities

**BILL**

that are nonprofit or are operated for profit. Each grantee must contribute matching funds in the amount of 10% of the amount of the grant awarded and must create an advisory committee to advise the project on how best to serve persons with special needs and their caregivers. The bill specifies a schedule for the award of the grants during the 1999-2001, 2001-03 and 2003-05 state biennia. Each life-span respite care project for which a grant is awarded must fulfill specified requirements, including, upon receipt of a referral, assisting caregivers and families of persons with special needs in identifying and coordinating available funds and resources and authorizing and providing a variety of funds and resources to make available additional respite care services.

Lastly, under the bill, DHFS and the organization must together evaluate the life-span respite care projects by June 1, 2004. If DHFS and the organization together determine that it is feasible to integrate the projects with any integrated, organized system of long-term care services that DHFS operates, DHFS must, by July 1, 2004, provide to the department of administration statutory language proposed for inclusion in the 2005-07 biennial budget bill to effect the integration.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

			1999-00	2000-01
20.435	<b>Health and family services, department</b>			
	<b>of</b>			
(7)	SUPPORTIVE LIVING; AIDS AND LOCAL ASSISTANCE			
(br)	Respite care	GPR A	75,000	450,000

8 "SECTION 2. 20.435 (7) (br) of the statutes is created to read:

447d

20.435 (7) (br) *Respite care*. The amounts in the schedule for the respite care

program under s. 46.986. "

#. Page 645, line 11: after that line insert:

"SECTION 46.986 of the statutes is created to read:

46.986 **Respite care program.** (1) DEFINITIONS. In this section:

1121g

**BILL**

1 (a) "Abuse" means the wilful infliction on a person of physical pain or injury or  
2 unreasonable confinement.

3 (b) "Caregiver" means an individual who lives in the home of a person with  
4 special needs and provides care or supervision for that person.

5 (c) "County department" means a county department under s. 46.215, 46.22,  
6 46.23, 51.42 or 51.437.

7 (d) "Neglect" means an act, omission or course of conduct that, because of the  
8 failure to provide adequate food, shelter, clothing, medical care or dental care,  
9 creates a significant danger to the physical and mental health of a person.

10 (e) "Provider" means an individual or agency that a caregiver selects, with  
11 input to the selection by the person with special needs, if competent, to provide  
12 respite care to the person with special needs.

13 (f) "Respite care" means care that is provided to a person with special needs,  
14 or a person at risk of abuse or neglect, in order to provide temporary relief to the  
15 caregiver of that person or when the caregiver is unable to provide care.

16 (g) "Special need" means a person's need resulting from an emotional,  
17 behavioral, cognitive, physical or personal condition that necessitates receipt of care  
18 or supervision in order to meet the person's basic needs or to prevent harm from  
19 occurring to him or her.

20 (h) "Tribe or band" means the governing body of a federally recognized  
21 American Indian tribe or band in this state.

22 (2) PROGRAM. (a) From the appropriation account under s. 20.435 (7) (br), the  
23 department shall contract for the administration of life-span respite care projects  
24 with an organization to which all of the following apply:

## BILL

1           1. The organization is a private, nonprofit organization, as defined in s. 108.02  
2 (19), that is capable of operating on a statewide basis and has expertise in respite  
3 care issues.

4           2. At least 51% of the members of the organization's governing board are  
5 consumers of respite care or caregivers.

6           3. The membership of the organization's governing board includes providers  
7 and elected officials and represents the diverse geographical areas and cultural  
8 groups of the state.

9           (b) The organization with which the department contracts under par. (a) shall  
10 do all of the following:

11           1. After consulting with the department, county departments, tribes or bands,  
12 providers and caregivers, prescribe criteria for the distribution of grants to conduct  
13 life-span respite care projects. The criteria shall include the requirement that grant  
14 funds be equally distributed among 5 administrative regions of the state, as  
15 prescribed by the department.

16           2. Solicit applications from and, using the criteria under subd. 1., award ~~grants~~  
17 to any of the following to conduct a life-span respite care project:

- 18           a. A county department.  
19           b. A tribe or band.  
20           c. A community-based private, nonprofit entity.  
21           d. A community-based private entity that is operated for profit.

22           3. Require that the grantee contribute matching funds to the operation of the  
23 life-span respite care project in the amount of 10% of the amount of the grant  
24 awarded by the organization. These matching funds shall be used by the grantee to  
25 fund payments from caregivers to providers.

in the 1999-2001  
state fiscal biennium  
up to one grant  
in each of the 5  
administrative  
regions prescribed  
by the department

## BILL

1 ~~4. The organization shall under the following schedule award grants under~~  
2 ~~subd. 2. to conduct life-span respite care projects!~~

3 ~~4. In the 1999-2001 state fiscal biennium, up to one grant in each of the 5~~  
4 ~~administrative regions prescribed by the department and up to one grant in any area~~  
5 ~~of the state.~~

6 b. In the 2001-2003 state fiscal biennium, up to one grant in each of the 5  
7 administrative regions prescribed by the department and up to 2 grants in any area  
8 of the state, in addition to those awarded in the previous biennium.

9 c. In the 2003-2005 state fiscal biennium, up to 2 grants in each of the 5  
10 administrative regions prescribed by the department and up to 2 grants in any area  
11 of the state, in addition to those selected in the previous biennia.

12 4. ~~4.~~ ~~Oversee grants awarded under ~~subd. 2.~~ and monitor, provide technical~~  
13 ~~assistance to and evaluate the life-span respite care projects.~~ ~~subd. 2.~~

14 5. ~~5.~~ ~~Develop best practice guidelines and a training curriculum that may be used~~  
15 ~~by life-span respite care projects that are funded under this section and that may be~~  
16 ~~used, if appropriate, by any other respite care providers in the state.~~

17 6. ~~6.~~ ~~Promote the exchange of information and coordination among the state, local~~  
18 ~~governments, life-span respite care projects, entities serving persons with special~~  
19 ~~needs, families of persons with special needs and persons in favor of the promotion~~  
20 ~~of respite care services, to encourage the efficient provision of respite care services.~~

21 7. ~~7.~~ ~~Act as a statewide clearinghouse of information about respite care and~~  
22 ~~existing respite care programs and resources and operate a library of materials that~~  
23 ~~may be lent to persons or organizations upon request.~~

24 8. ~~8.~~ ~~Conduct analyses of respite care policies and proposals, and identify and~~  
25 ~~promote resolution of respite care policy concerns at legislative, state and local levels.~~

**BILL**

1           (3) GRANTS NOT TO SUPPLANT OTHER MONEYS. Moneys awarded as grants under  
2 sub. (2) (b) may not be used to supplant moneys otherwise available and, prior to  
3 receipt of the grant, dedicated by the grantee to respite care.

4           (4) LIFE-SPAN RESPITE CARE PROJECT REQUIREMENTS. Life-span respite care  
5 projects for which a grant is awarded under sub. (2) (b) 2. shall do all of the following:

6           (a) Operate in a culturally competent manner and be sensitive to the unique  
7 needs and strengths of a person with special needs and his or her family or caregiver.

8           (b) Identify, coordinate and develop resources for respite care that are built, to  
9 the extent possible, on existing community support services.

10          (c) Recruit and screen providers.

11          (d) Identify training resources and organize training programs for providers  
12 that address different populations in need of respite care.

13          (e) Facilitate access by caregivers and families of persons with special needs  
14 to an array of respite care service options for which the person with special needs is  
15 eligible, that are responsive to caregiver and family needs and that are available  
16 before families and primary caregivers reach a crisis situation.

17          (f) Assist caregivers and families of persons with special needs to identify and  
18 coordinate funds and resources available for respite care for which the person with  
19 special needs is eligible, and authorize and provide a variety of funds and resources  
20 to make available additional respite care services for persons with special needs,  
21 under eligibility criteria established by the project.

22          (5) ADVISORY COMMITTEES. Each grantee of moneys to conduct a life-span  
23 respite care project under sub. (2) shall create an advisory committee that shall  
24 advise the project on how the project may best serve persons with special needs and  
25 their caregivers. Consumers of respite care services and caregivers shall comprise

TODAY, if possible - In edit 6/14

1999 - 2000 LEGISLATURE

LRBb0584/22  
DAK:cmh:kerr

LFB:.....Carabell - Respite care

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**LFB AMENDMENT**

**TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 434, line 16: after that line insert:

3 “SECTION 447d. 20.435 (7) (br) of the statutes is created to read:

4 20.435 (7) (br) *Respite care*. The amounts in the schedule for the respite care  
5 program under s. 46.986.”.

6 **2.** Page 645, line 11: after that line insert:

7 “SECTION 1121g. 46.986 of the statutes is created to read:

8 **46.986 Respite care program. (1) DEFINITIONS.** In this section:

9 (a) “Abuse” means the wilful infliction on a person of physical pain or injury or  
10 unreasonable confinement.

1 (b) “Caregiver” means an individual who lives in the home of a person with  
2 special needs and provides care or supervision for that person.

3 (c) “County department” means a county department under s. 46.215, 46.22,  
4 46.23, 51.42 or 51.437.

5 (d) “Neglect” means an act, omission or course of conduct that, because of the  
6 failure to provide adequate food, shelter, clothing, medical care or dental care,  
7 creates a significant danger to the physical and mental health of a person.

8 (e) “Provider” means an individual or agency that a caregiver selects, with  
9 input to the selection by the person with special needs, if competent, to provide  
10 respite care to the person with special needs.

11 (f) “Respite care” means care that is provided to a person with special needs,  
12 or a person at risk of abuse or neglect, in order to provide temporary relief to the  
13 caregiver of that person or when the caregiver is unable to provide care.

14 (g) “Special need” means a person’s need resulting from an emotional,  
15 behavioral, cognitive, physical or personal condition that necessitates receipt of care  
16 or supervision in order to meet the person’s basic needs or to prevent harm from  
17 occurring to him or her.

18 (h) “Tribe or band” means the governing body of a federally recognized  
19 American Indian tribe or band in this state.

20 (2) PROGRAM. (a) From the appropriation account under s. 20.435 (7) (br), the  
21 department shall contract for the administration of life–span respite care projects  
22 with an organization to which all of the following apply:

23 1. The organization is a private, nonprofit organization, as defined in s. 108.02  
24 (19), that is capable of operating on a statewide basis and has expertise in respite  
25 care issues.



1           2. At least 51% of the members of the organization's governing board are  
2 consumers of respite care or caregivers.

3           3. The membership of the organization's governing board includes providers  
4 and elected officials and represents the diverse geographical areas and cultural  
5 groups of the state.

6           (b) The organization with which the department contracts under par. (a) shall  
7 do all of the following:

8           1. After consulting with the department, county departments, tribes or bands,  
9 providers and caregivers, prescribe criteria for the distribution of grants to conduct  
10 life-span respite care projects. The criteria shall include the requirement that grant  
11 funds be equally distributed among 5 administrative regions of the state, as  
12 prescribed by the department.

13           2. Solicit applications from and, using the criteria under subd. 1., award in the  
14 1999-2001 state fiscal biennium up to one grant in each of the 5 administrative  
15 regions prescribed by the department to any of the following to conduct a life-span  
16 respite care project:

- 17           a. A county department.
- 18           b. A tribe or band.
- 19           c. A community-based private, nonprofit entity.
- 20           d. A community-based private entity that is operated for profit.

21           3. Require that the grantee contribute matching funds to the operation of the  
22 life-span respite care project in the amount <sup>5%</sup> ~~of 10%~~ of the amount of the grant  
23 awarded by the organization. ~~These matching funds~~ shall be used by the grantee to  
24 fund payments from caregivers to providers.

*Following*

*a. Ten percent*

*a. b. Fifteen per cent of the amount of the grant awarded by the organization, as in-kind services.*

*as direct services, which*

1           4. Oversee grants awarded under subd. 2., and monitor, provide technical  
2 assistance to and evaluate the life–span respite care projects.

3           5. Develop best practice guidelines and a training curriculum that may be used  
4 by life–span respite care projects that are funded under this section and that may be  
5 used, if appropriate, by any other respite care providers in the state.

6           6. Promote the exchange of information and coordination among the state, local  
7 governments, life–span respite care projects, entities serving persons with special  
8 needs, families of persons with special needs and persons in favor of the promotion  
9 of respite care services, to encourage the efficient provision of respite care services.

10          7. Act as a statewide clearinghouse of information about respite care and  
11 existing respite care programs and resources and operate a library of materials that  
12 may be lent to persons or organizations upon request.

13          8. Conduct analyses of respite care policies and proposals, and identify and  
14 promote resolution of respite care policy concerns at legislative, state and local levels.

15          **(3) GRANTS NOT TO SUPPLANT OTHER MONEYS.** Moneys awarded as grants under  
16 sub. (2) (b) may not be used to supplant moneys otherwise available and, prior to  
17 receipt of the grant, dedicated by the grantee to respite care.

18          **(4) LIFE–SPAN RESPITE CARE PROJECT REQUIREMENTS.** Life–span respite care  
19 projects for which a grant is awarded under sub. (2) (b) 2. shall do all of the following:

20           (a) Operate in a culturally competent manner and be sensitive to the unique  
21 needs and strengths of a person with special needs and his or her family or caregiver.

22           (b) Identify, coordinate and develop resources for respite care that are built, to  
23 the extent possible, on existing community support services.

24           (c) Recruit and screen providers.

1 (d) Identify training resources and organize training programs for providers  
2 that address different populations in need of respite care.

3 (e) Facilitate access by caregivers and families of persons with special needs  
4 to an array of respite care service options for which the person with special needs is  
5 eligible, that are responsive to caregiver and family needs and that are available  
6 before families and primary caregivers reach a crisis situation.

7 (f) Assist caregivers and families of persons with special needs to identify and  
8 coordinate funds and resources available for respite care for which the person with  
9 special needs is eligible, and authorize and provide a variety of funds and resources  
10 to make available additional respite care services for persons with special needs,  
11 under eligibility criteria established by the project.

12 (5) ADVISORY COMMITTEES. Each grantee of moneys to conduct a life-span  
13 respite care project under sub. (2) shall create an advisory committee that shall  
14 advise the project on how the project may best serve persons with special needs and  
15 their caregivers. Consumers of respite care services and caregivers shall comprise  
16 at least 51% of the advisory committee membership and shall be representative of  
17 the diversity of persons who receive services under the project. Other members shall  
18 include providers, representatives of local service agencies and members of the  
19 community.

20 (6) By June 1, 2004, the department and the organization with which the  
21 department contracts under sub. (2) (a) shall together evaluate the life-span respite  
22 care projects that are conducted under this section. If, following the evaluation, the  
23 department and the organization together determine that it is feasible to integrate  
24 the life-span respite care projects with any integrated, organized system of  
25 long-term care services that is operated by the department, the department shall,

1 by July 1, 2004, provide to the department of administration statutory language that  
2 is proposed for inclusion in the 2005–07 biennial budget bill to effect the  
3 integration.”.

4 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0584/2  
DAK:cmh:km

LFB:.....Carabell – Respite care

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**LFB AMENDMENT**

**TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 434, line 16: after that line insert:

3 “**SECTION 447d.** 20.435 (7) (br) of the statutes is created to read:

4 20.435 (7) (br) *Respite care.* The amounts in the schedule for the respite care  
5 program under s. 46.986.”.

6 **2.** Page 645, line 11: after that line insert:

7 “**SECTION 1121g.** 46.986 of the statutes is created to read:

8 **46.986 Respite care program.** (1) **DEFINITIONS.** In this section:

9 (a) “Abuse” means the wilful infliction on a person of physical pain or injury or  
10 unreasonable confinement.

1 (b) "Caregiver" means an individual who lives in the home of a person with  
2 special needs and provides care or supervision for that person.

3 (c) "County department" means a county department under s. 46.215, 46.22,  
4 46.23, 51.42 or 51.437.

5 (d) "Neglect" means an act, omission or course of conduct that, because of the  
6 failure to provide adequate food, shelter, clothing, medical care or dental care,  
7 creates a significant danger to the physical and mental health of a person.

8 (e) "Provider" means an individual or agency that a caregiver selects, with  
9 input to the selection by the person with special needs, if competent, to provide  
10 respite care to the person with special needs.

11 (f) "Respite care" means care that is provided to a person with special needs,  
12 or a person at risk of abuse or neglect, in order to provide temporary relief to the  
13 caregiver of that person or when the caregiver is unable to provide care.

14 (g) "Special need" means a person's need resulting from an emotional,  
15 behavioral, cognitive, physical or personal condition that necessitates receipt of care  
16 or supervision in order to meet the person's basic needs or to prevent harm from  
17 occurring to him or her.

18 (h) "Tribe or band" means the governing body of a federally recognized  
19 American Indian tribe or band in this state.

20 (2) PROGRAM. (a) From the appropriation account under s. 20.435 (7) (br), the  
21 department shall contract for the administration of life-span respite care projects  
22 with an organization to which all of the following apply:

23 1. The organization is a private, nonprofit organization, as defined in s. 108.02  
24 (19), that is capable of operating on a statewide basis and has expertise in respite  
25 care issues.

1           2. At least 51% of the members of the organization's governing board are  
2 consumers of respite care or caregivers.

3           3. The membership of the organization's governing board includes providers  
4 and elected officials and represents the diverse geographical areas and cultural  
5 groups of the state.

6           (b) The organization with which the department contracts under par. (a) shall  
7 do all of the following:

8           1. After consulting with the department, county departments, tribes or bands,  
9 providers and caregivers, prescribe criteria for the distribution of grants to conduct  
10 life-span respite care projects. The criteria shall include the requirement that grant  
11 funds be equally distributed among 5 administrative regions of the state, as  
12 prescribed by the department.

13           2. Solicit applications from and, using the criteria under subd. 1., award in the  
14 1999–2001 state fiscal biennium up to one grant in each of the 5 administrative  
15 regions prescribed by the department to any of the following to conduct a life-span  
16 respite care project:

17           a. A county department.

18           b. A tribe or band.

19           c. A community-based private, nonprofit entity.

20           d. A community-based private entity that is operated for profit.

21           3. Require that the grantee contribute matching funds to the operation of the  
22 life-span respite care project in the following amounts:

23           a. Ten percent of the amount of the grant awarded by the organization, as direct  
24 services, which shall be used by the grantee to fund payments from caregivers to  
25 providers.

1           b. Fifteen percent of the amount of the grant awarded by the organization, as  
2 in-kind services.

3           4. Oversee grants awarded under subd. 2., and monitor, provide technical  
4 assistance to and evaluate the life-span respite care projects.

5           5. Develop best practice guidelines and a training curriculum that may be used  
6 by life-span respite care projects that are funded under this section and that may be  
7 used, if appropriate, by any other respite care providers in the state.

8           6. Promote the exchange of information and coordination among the state, local  
9 governments, life-span respite care projects, entities serving persons with special  
10 needs, families of persons with special needs and persons in favor of the promotion  
11 of respite care services, to encourage the efficient provision of respite care services.

12           7. Act as a statewide clearinghouse of information about respite care and  
13 existing respite care programs and resources and operate a library of materials that  
14 may be lent to persons or organizations upon request.

15           8. Conduct analyses of respite care policies and proposals, and identify and  
16 promote resolution of respite care policy concerns at legislative, state and local levels.

17           **(3) GRANTS NOT TO SUPPLANT OTHER MONEYS.** Moneys awarded as grants under  
18 sub. (2) (b) may not be used to supplant moneys otherwise available and, prior to  
19 receipt of the grant, dedicated by the grantee to respite care.

20           **(4) LIFE-SPAN RESPITE CARE PROJECT REQUIREMENTS.** Life-span respite care  
21 projects for which a grant is awarded under sub. (2) (b) 2. shall do all of the following:

22           (a) Operate in a culturally competent manner and be sensitive to the unique  
23 needs and strengths of a person with special needs and his or her family or caregiver.

24           (b) Identify, coordinate and develop resources for respite care that are built, to  
25 the extent possible, on existing community support services.



1 (c) Recruit and screen providers.

2 (d) Identify training resources and organize training programs for providers  
3 that address different populations in need of respite care.

4 (e) Facilitate access by caregivers and families of persons with special needs  
5 to an array of respite care service options for which the person with special needs is  
6 eligible, that are responsive to caregiver and family needs and that are available  
7 before families and primary caregivers reach a crisis situation.

8 (f) Assist caregivers and families of persons with special needs to identify and  
9 coordinate funds and resources available for respite care for which the person with  
10 special needs is eligible, and authorize and provide a variety of funds and resources  
11 to make available additional respite care services for persons with special needs,  
12 under eligibility criteria established by the project.

13 (5) ADVISORY COMMITTEES. Each grantee of moneys to conduct a life-span  
14 respite care project under sub. (2) shall create an advisory committee that shall  
15 advise the project on how the project may best serve persons with special needs and  
16 their caregivers. Consumers of respite care services and caregivers shall comprise  
17 at least 51% of the advisory committee membership and shall be representative of  
18 the diversity of persons who receive services under the project. Other members shall  
19 include providers, representatives of local service agencies and members of the  
20 community.

21 (6) By June 1, 2004, the department and the organization with which the  
22 department contracts under sub. (2) (a) shall together evaluate the life-span respite  
23 care projects that are conducted under this section. If, following the evaluation, the  
24 department and the organization together determine that it is feasible to integrate  
25 the life-span respite care projects with any integrated, organized system of

1 long-term care services that is operated by the department, the department shall,  
2 by July 1, 2004, provide to the department of administration statutory language that  
3 is proposed for inclusion in the 2005–07 biennial budget bill to effect the  
4 integration.”.

5 (END)