

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3248

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## AN ACT

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.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Lifespan Respite Care  
3 Act of 2006”.

4 **SEC. 2. LIFESPAN RESPITE CARE.**

5 The Public Health Service Act (42 U.S.C. 201 et  
6 seq.) is amended by adding at the end the following:

7 **“TITLE XXIX—LIFESPAN**  
8 **RESPITE CARE**

9 **“SEC. 2901. DEFINITIONS.**

10 “In this title:

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

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

15 “(B) prevent physical self-injury or injury  
16 to others; or

17 “(C) avoid placement in an institutional  
18 facility.

19 “(2) **AGING AND DISABILITY RESOURCE CEN-**  
20 **TER.**—The term ‘aging and disability resource cen-

21 ter’ means an entity administering a program estab-

22 lished by the State, as part of the State’s system of

23 long-term care, to provide a coordinated system for

24 providing—

1           “(A) comprehensive information on avail-  
2           able public and private long-term care pro-  
3           grams, options, and resources;

4           “(B) personal counseling to assist individ-  
5           uals in assessing their existing or anticipated  
6           long-term care needs, and developing and imple-  
7           menting a plan for long-term care designed to  
8           meet their specific needs and circumstances;  
9           and

10           “(C) consumer access to the range of pub-  
11           licly supported long-term care programs for  
12           which consumers may be eligible, by serving as  
13           a convenient point of entry for such programs.

14           “(3) CHILD WITH A SPECIAL NEED.—The term  
15           ‘child with a special need’ means an individual less  
16           than 18 years of age who requires care or super-  
17           vision beyond that required of children generally  
18           to—

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

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

22           “(4) ELIGIBLE STATE AGENCY.—The term ‘eli-  
23           gible State agency’ means a State agency that—

24           “(A) administers the State’s program  
25           under the Older Americans Act of 1965, admin-

1           isters the State’s program under title XIX of  
2           the Social Security Act, or is designated by the  
3           Governor of such State to administer the  
4           State’s programs under this title;

5           “(B) is an aging and disability resource  
6           center;

7           “(C) works in collaboration with a public  
8           or private nonprofit statewide respite care coali-  
9           tion or organization; and

10          “(D) demonstrates—

11           “(i) an ability to work with other  
12          State and community-based agencies;

13           “(ii) an understanding of respite care  
14          and family caregiver issues across all age  
15          groups, disabilities, and chronic conditions;  
16          and

17           “(iii) the capacity to ensure meaning-  
18          ful involvement of family members, family  
19          caregivers, and care recipients.

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

1           “(6) LIFESPAN RESPITE CARE.—The term ‘life-  
2 span respite care’ means a coordinated system of ac-  
3 cessible, community-based respite care services for  
4 family caregivers of children or adults with special  
5 needs.

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

11           “(8) STATE.—The term ‘State’ means any of  
12 the several States, the District of Columbia, the Vir-  
13 gin Islands of the United States, the Commonwealth  
14 of Puerto Rico, Guam, American Samoa, and the  
15 Commonwealth of the Northern Mariana Islands.

16 **“SEC. 2902. LIFESPAN RESPITE CARE GRANTS AND COOP-  
17 ERATIVE AGREEMENTS.**

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

19           “(1) to expand and enhance respite care serv-  
20 ices to family caregivers;

21           “(2) to improve the statewide dissemination and  
22 coordination of respite care; and

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

1       “(b) AUTHORIZATION.—Subject to subsection (e), the  
2 Secretary is authorized to award grants or cooperative  
3 agreements for the purposes described in subsection (a)  
4 to eligible State agencies for which an application is sub-  
5 mitted pursuant to subsection (d).

6       “(c) FEDERAL LIFESPAN APPROACH.—In carrying  
7 out this section, the Secretary shall work in cooperation  
8 with the National Family Caregiver Support Program of  
9 the Administration on Aging and other respite care pro-  
10 grams within the Department of Health and Human Serv-  
11 ices to ensure coordination of respite care services for fam-  
12 ily caregivers of children and adults with special needs.

13       “(d) APPLICATION.—

14               “(1) SUBMISSION.—Each Governor desiring the  
15 eligible State agency of his or her State to receive  
16 a grant or cooperative agreement under this section  
17 shall submit an application on behalf of such agency  
18 to the Secretary at such time, in such manner, and  
19 containing such information as the Secretary shall  
20 require.

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

23                       “(A) a description of the eligible State  
24 agency’s—

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

3           “(ii) understanding of respite care  
4           and family caregiver issues across all age  
5           groups, disabilities, and chronic conditions;  
6           and

7           “(iii) capacity to ensure meaningful  
8           involvement of family members, family  
9           caregivers, and care recipients;

10          “(B) with respect to the population of fam-  
11          ily caregivers to whom respite care information  
12          or services will be provided or for whom respite  
13          care workers and volunteers will be recruited  
14          and trained, a description of—

15               “(i) the population of family care-  
16               givers;

17               “(ii) the extent and nature of the res-  
18               pite care needs of that population;

19               “(iii) existing respite care services for  
20               that population, including numbers of fam-  
21               ily caregivers being served and extent of  
22               unmet need;

23               “(iv) existing methods or systems to  
24               coordinate respite care information and

1 services to the population at the State and  
2 local level and extent of unmet need;

3 “(v) how respite care information dis-  
4 semination and coordination, respite care  
5 services, respite care worker and volunteer  
6 recruitment and training programs, or  
7 training programs for family caregivers  
8 that assist such family caregivers in mak-  
9 ing informed decisions about respite care  
10 services will be provided using grant or co-  
11 operative agreement funds;

12 “(vi) a plan for administration, col-  
13 laboration, and coordination of the pro-  
14 posed respite care activities with other re-  
15 lated services or programs offered by pub-  
16 lic or private, nonprofit entities, including  
17 area agencies on aging;

18 “(vii) how the population, including  
19 family caregivers, care recipients, and rel-  
20 evant public or private agencies, will par-  
21 ticipate in the planning and implementa-  
22 tion of the proposed respite care activities;

23 “(viii) how the proposed respite care  
24 activities will make use, to the maximum  
25 extent feasible, of other Federal, State,



1 and local funds, programs, contributions,  
2 other forms of reimbursements, personnel,  
3 and facilities;

4 “(ix) respite care services available to  
5 family caregivers in the eligible State agen-  
6 cy’s State or locality, including unmet  
7 needs and how the eligible State agency’s  
8 plan for use of funds will improve the co-  
9 ordination and distribution of respite care  
10 services for family caregivers of children  
11 and adults with special needs;

12 “(x) the criteria used to identify fam-  
13 ily caregivers eligible for respite care serv-  
14 ices;

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

23 “(xii) the results expected from pro-  
24 posed respite care activities and the proce-

1           dures to be used for evaluating those re-  
2           sults;

3           “(C) assurances that, where appropriate,  
4           the eligible State agency will have a system for  
5           maintaining the confidentiality of care recipient  
6           and family caregiver records; and

7           “(D) a memorandum of agreement regard-  
8           ing the joint responsibility for the eligible State  
9           agency’s lifespan respite program between—

10                   “(i) the eligible State agency; and

11                   “(ii) a public or private nonprofit  
12                   statewide respite coalition or organization.

13           “(e) PRIORITY; CONSIDERATIONS.—When awarding  
14           grants or cooperative agreements under this section, the  
15           Secretary shall—

16                   “(1) give priority to eligible State agencies that  
17                   the Secretary determines show the greatest likeli-  
18                   hood of implementing or enhancing lifespan respite  
19                   care statewide; and

20                   “(2) give consideration to eligible State agencies  
21                   that are building or enhancing the capacity of their  
22                   long-term care systems to respond to the comprehen-  
23                   sive needs, including respite care needs, of their resi-  
24                   dents.

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

3           “(1) IN GENERAL.—

4                   “(A) REQUIRED USES OF FUNDS.—Each  
5 eligible State agency awarded a grant or coop-  
6 erative agreement under this section shall use  
7 all or part of the funds—

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

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

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

15                           “(iv) to provide information to care-  
16 givers about available respite and support  
17 services; and

18                           “(v) to assist caregivers in gaining ac-  
19 cess to such services.

20                   “(B) OPTIONAL USES OF FUNDS.—Each  
21 eligible State agency awarded a grant or coop-  
22 erative agreement under this section may use  
23 part of the funds for—

24                           “(i) training programs for family  
25 caregivers to assist such family caregivers

1 in making informed decisions about respite  
2 care services;

3 “(ii) other services essential to the  
4 provision of respite care as the Secretary  
5 may specify; or

6 “(iii) training and education for new  
7 caregivers.

8 “(2) SUBCONTRACTS.—Each eligible State  
9 agency awarded a grant or cooperative agreement  
10 under this section may carry out the activities de-  
11 scribed in paragraph (1) directly or by grant to, or  
12 contract with, public or private entities.

13 “(3) MATCHING FUNDS.—

14 “(A) IN GENERAL.—With respect to the  
15 costs of the activities to be carried out under  
16 paragraph (1), a condition for the receipt of a  
17 grant or cooperative agreement under this sec-  
18 tion is that the eligible State agency agrees to  
19 make available (directly or through donations  
20 from public or private entities) non-Federal  
21 contributions toward such costs in an amount  
22 that is not less than 25 percent of such costs.

23 “(B) DETERMINATION OF AMOUNT CON-  
24 TRIBUTED.—Non-Federal contributions re-  
25 quired by subparagraph (A) may be in cash or

1 in kind, fairly evaluated, including plant, equip-  
2 ment, or services. Amounts provided by the  
3 Federal Government, or services assisted or  
4 subsidized to any significant extent by the Fed-  
5 eral Government, may not be included in deter-  
6 mining the amount of such non-Federal con-  
7 tributions.

8 “(g) TERM OF GRANTS OR COOPERATIVE AGREE-  
9 MENTS.—

10 “(1) IN GENERAL.—The Secretary shall award  
11 grants or cooperative agreements under this section  
12 for terms that do not exceed 5 years.

13 “(2) RENEWAL.—The Secretary may renew a  
14 grant or cooperative agreement under this section at  
15 the end of the term of the grant or cooperative  
16 agreement determined under paragraph (1).

17 “(h) MAINTENANCE OF EFFORT.—Funds made  
18 available under this section shall be used to supplement  
19 and not supplant other Federal, State, and local funds  
20 available for respite care services.

21 **“SEC. 2903. NATIONAL LIFESPAN RESPITE RESOURCE CEN-  
22 TER.**

23 “(a) ESTABLISHMENT.—The Secretary may award a  
24 grant or cooperative agreement to a public or private non-  
25 profit entity to establish a National Resource Center on

1 Lifespan Respite Care (referred to in this section as the  
2 ‘center’).

3 “(b) PURPOSES OF THE CENTER.—The center  
4 shall—

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

7 “(2) provide training and technical assistance  
8 to State, community, and nonprofit respite care pro-  
9 grams; and

10 “(3) provide information, referral, and edu-  
11 cational programs to the public on lifespan respite  
12 care.

13 **“SEC. 2904. REPORT.**

14 “Not later than January 1, 2009, the Secretary shall  
15 report to the Congress on the activities undertaken under  
16 this title. Such report shall evaluate—

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

19 “(2) the demographics of the caregivers receiv-  
20 ing respite care services through grants or coopera-  
21 tive agreements under this title; and

22 “(3) the effectiveness of entities receiving  
23 grants or cooperative agreements under this title.

1 **“SEC. 2905. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out  
3 this title—

4 “(1) \$30,000,000 for fiscal year 2007;

5 “(2) \$40,000,000 for fiscal year 2008;

6 “(3) \$53,330,000 for fiscal year 2009;

7 “(4) \$71,110,000 for fiscal year 2010; and

8 “(5) \$94,810,000 for fiscal year 2011.”.

9 **SEC. 3. GAO REPORT ON LIFESPAN RESPITE CARE PRO-**  
10 **GRAMS.**

11 Not later than January 1, 2011, the Comptroller  
12 General of the United States shall conduct an evaluation  
13 and submit a report to the Congress on the effectiveness  
14 of lifespan respite programs, including an analysis of cost  
15 benefits and improved efficiency in service delivery.

Passed the House of Representatives December 6,  
2006.

Attest:

*Clerk.*

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3248**

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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.