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**IDAPA 16
TITLE 04
Chapter 05**

16.04.05 - RULES AND MINIMUM STANDARDS FOR RESPITE CARE SERVICES

000. LEGAL AUTHORITY.

The following rules and minimum standards for the provision of respite care services are adopted under the statutory authority vested in the Director of the Department of Health and Welfare, pursuant to the Idaho Respite Care Services Act, Section 39-4701 et seq., Idaho Code. (12-1-81)

001. TITLE AND SCOPE.

These rules govern the provision of respite care by the Department of Health and Welfare to needy eligible persons and are to be cited as Idaho Department of Health and Welfare Rules, Title 04, Chapter 05, "Rules and Minimum Standards for Respite Care Services." (12-31-91)

002. POLICY.

It is the policy of the Department of Health and Welfare to encourage and participate in programs which assist parents or guardians in maintaining handicapped individuals in their own homes through respite care. Respite care may be utilized to allow the family to meet emergency needs, to restore or maintain the physical and mental well-being of the individual's parents or guardians, or to initiate training procedures for the individual's parents or guardians in or out of the home. (12-1-81)

003. DEFINITIONS.

For the purpose of the rules contained in Title 04, Chapter 05, the following terms are used, as herein defined: (12-1-81)

01. Day Care Center. A home or place in which five (5) or more children not related by blood or marriage to the person or persons operating such center are regularly received and provided with part-time supplemental parental care during any part of the twenty-four (24) hour day when the parents are not on the premises. (12-1-81)

02. Day Care Home. A home or place in which four (4) or less children not related by blood or marriage to the person or persons operating such home are regularly received and provided with part-time supplemental parental care during any part of the twenty-four (24) hour day when the parents are not on the premises. (12-1-81)

03. Department. The Idaho Department of Health and Welfare. (12-1-81)

04. Director. The Director of the Department of Health and Welfare or his designee. (12-31-91)

05. Foster Family Home. A home providing full-time substitute parental care to six (6) or fewer children who are not related by blood or marriage to the foster parents but who are accepted as members of the family. (12-1-81)

06. In-house Respite Care. The provision of respite care services within the home of a physically or mentally disabled or handicapped individual during a period when parents or guardian are absent. (12-1-81)

07. Intermediate Care Facility. Pursuant to Section 39-4702(b), Idaho Code, a health facility whose design and function provides area, space and equipment to meet the restorative, rehabilitative, recreational and daily living needs of the residents. The facilities must reflect the personal care, social/psychological needs of the residents. The primary traffic flow is generated by residents going to services and activities. At a minimum, the facility must provide such services as personal care, rehabilitative, remotivational activities and dietary and supporting services in health care as required by the category of residents admitted. In addition, an adult day care service may be provided at the election of the facility. (12-1-81)

08. Physical or Mental Disabilities or Handicaps. Any substantial physical, mental, or developmental disability which prevents normal participation in community and/or life activities as are available to and participated

in by persons of the same age and sex who have no such afflictions or conditions. Such disability shall have occurred and been diagnosed prior to age twenty-two (22). (12-1-81)

09. Provider. Any person, licensed facility, or respite care center that receives payment from the Department for providing respite care. (12-1-81)

10. Representative. An employee of the Department of Health and Welfare designated to coordinate respite care services. (12-31-91)

11. Respite Care. Appropriate services in a variety of settings which are provided for the care of a physically or mentally disabled or handicapped person through temporary separation from his family, in or outside the home for short specified periods of time, and involving other services as needed on an individual basis, for the purpose of relieving the family of his care in order to: (12-1-81)

a. Meet planned or emergency needs of the family or the individual; or (12-1-81)

b. Restore or maintain the physical and mental well-being of the individual's parents or guardians; or (12-1-81)

c. Initiate training procedures for the individual's parents or guardians in or out of the home. (12-1-81)

12. Respite Care Center. Any facility designated to provide twenty-four (24) hour respite care, but not a continuous living arrangement, for more than three (3) handicapped individuals. Respite care services may be provided for a twenty-four (24) hour period. (12-1-81)

13. Respite Care Home. Any home which will provide care, on a short-term basis, for less than three (3) physically or mentally disabled or handicapped individuals who are nonrelated. (12-1-81)

14. Shelter Home. A building or any facility, however named, operated on either a profit or nonprofit basis, for the purpose of providing a home with necessary supervision and facilities for three (3) or more persons not related to the owner who are unable to care for themselves, pursuant to Sections 39-4702(12) and 39-3301(1), Idaho Code. (12-1-81)

15. Skilled Nursing Care Facility. Pursuant to Section 39-4702(13), Idaho Code, a health facility whose design and functions provide area, space and equipment to meet the health needs of the skilled care level patient and the care delivery activities of the staff. The functional layout must primarily meet medical and nursing needs. The design must recognize that the primary traffic flow is the medical/nursing staff to the patient. At a minimum, the facility must provide such services as medical/skilled nursing care, dietary, restorative, pharmaceutical, and the availability of dental services. (12-1-81)

16. Group Foster Home. A home providing full-time substitute parental care to seven (7) but not more than twelve (12) children who are not related by blood or marriage to the foster parents. (12-1-81)

004. -- 009. (RESERVED).

010. ELIGIBILITY FOR SERVICES.

Any individual who has a physical or mental disability or handicap as defined in Subsection 003.08, is eligible to receive respite care services. (12-31-91)

011. -- 019. (RESERVED).

020. LIMITATION ON SERVICE USE.

01. Baby-Sitting Services. Respite care services shall not be used in lieu of normal day care or for babysitting services in order for the parents or guardians to be employed. (12-1-81)

02. Service Time Frame. Respite care services shall be limited to no more than eighteen (18) days and/or nights in any three (3) month period. (Eighteen (18) days and/or nights times twenty-four (24) hours equals four hundred thirty-two (432) clock hours of service per quarter.) (12-1-81)

021. -- 079. (RESERVED).

080. LICENSURE OF SERVICE PROVIDERS.

Pursuant to Section 39-4704(2), Idaho Code, respite care providers are not required to have any special licenses or certifications, with the exception of those providers who are required by Idaho law to have licenses or certifications, such as, but not limited to, the following: day care centers, day care homes, foster homes, group foster homes, skilled nursing facilities, intermediate care facilities. However, for shelter homes, pursuant to Section 39-3302, Idaho Code, any person or governmental unit, acting severally or jointly with any other person or governmental unit, to establish, conduct, or maintain a shelter home in Idaho, shall obtain a license from the Director. (12-31-91)

081. -- 099. (RESERVED).

100. ARRANGEMENTS FOR SERVICES.

01. Department to Provide List. The Department shall provide a list of available providers of respite care to the parents or guardians of eligible individuals. (12-1-81)

02. Selection of Provider. The parents or guardians may select a provider of their own choosing, who may not be on the list provided by the Department; however, the provider must not be a relative of the family or of the individual receiving care. (12-1-81)

03. Parent/Guardian Responsibilities. It is the responsibility of the parents or guardians of the individual to arrange for respite care services with the provider. (12-1-81)

04. Emergency Arrangements for Services. In cases where parents or guardians of eligible handicapped persons are unable to arrange for respite care services for reason of emotional stress or other emergency circumstances beyond their control, a representative of the Department can assist in arranging the services on behalf of the parents or guardians. (12-1-81)

05. Suitability of Providers and Facilities. It is the responsibility of the parents or guardians, or the responsible person to ensure to their satisfaction: (12-1-81)

- a. That the providers of service are physically and emotionally suited to provide such care; and (12-1-81)
- b. That the location where such care is to be provided is safe for the individual receiving care. (12-1-81)

101. -- 109. (RESERVED).

110. DEPARTMENT FREED FROM LIABILITY.

The parents or guardians shall sign a "Release from Liability" (HW-0691) which shall include the following procedures: (12-1-81)

01. Services Requested. That the parents or guardians have requested respite care services; and (12-1-81)
02. Inspection for Safety. That the parents or guardians have personally inspected the location where care shall be provided and that it is satisfactory to ensure the safety of the individual receiving care; and (12-1-81)
03. Suitability of Providers. That the parents or guardians have assured themselves that the providers of service are physically and emotionally suited to provide respite care to the individual to be cared for; and (12-1-81)

04. Release from Liability. That the parents or guardians release the Department from any liability in the selection or the provision of respite care services. (12-1-81)

111. -- 114. (RESERVED).

115. EMERGENCY MEDICAL SERVICES.

01. Authorization for Emergency Medical Treatment. The parents or guardians shall sign an "Emergency Medical Release" form (HW-0693) for emergency medical services allowing the provider to seek services for the individual in emergencies. (12-1-81)

02. Responsibility for Payment. Where it is necessary for the provider to seek emergency medical services, the parents or guardians shall be responsible for the cost of the emergency medical services. (12-1-81)

116. -- 119. (RESERVED).

120. AUTHORIZATION TO GIVE MEDICATION.

The parents or guardians shall provide, on an "Authorization to Give Medication" form (HW-0692), information to the provider of respite care services concerning any medications the individual may be taking and appropriate instructions for administering the medications. (12-1-81)

121. -- 124. (RESERVED).

125. INFORMATION FOR THE SERVICE PROVIDER.

The parents, guardians, or responsible party shall prepare and provide the "Medical/Emotional Information" form (HW-0690) to the provider of respite care services concerning the name of the individual receiving services, instructions on daily routine of the individual, any special therapy that is to be given, name, address and phone number(s) where parents, guardians or other individuals may be contacted in case of emergencies, and other pertinent vital information. (12-1-81)

126. -- 199. (RESERVED).

200. PROVIDER REIMBURSEMENT.

The Department shall reimburse the provider directly for respite care services according to the "Respite Care Fee Schedule" established by the Director in Section 210. (12-31-91)

201. -- 209. (RESERVED).

210. RESPITE CARE PAYMENT SCHEDULE.

For the purpose of the respite care program, the following reimbursement rates shall apply: (12-1-81)

01. Licensed Foster or Group Home Care Payment Schedule. Payment shall be based on the following schedule depending on the severity of handicap and hours of care: (12-1-81)

TABLE - LICENSED FOSTER OR GROUP HOME CARE PAYMENT SCHEDULE		
	Daily Rate	Hourly Rate
Severity of Handicap	(9 - 24 hrs.) Per Client	(1 - 8 hrs.) Per Client
Mild	\$15	\$1.50
Moderate	\$18	\$1.75
Severe	\$25	\$2.25

02. Skilled Nursing Care. The facility shall be reimbursed at the interim daily rate for the facility, as established by the Department's Bureau of Medicaid Programs for participation in the Medicaid Program. (12-31-91)

03. Intermediate Care. The facility shall be reimbursed at the interim daily rate for the facility, as established by the Department's Bureau of Medicaid Program for participation in the Medicaid Program. (12-31-91)

04. Shelter Home. Payment shall be based upon the allowable assistance rate(s) (SSI and State Supplement) for each eligible client. (12-1-81)

05. Day Care Center Payment Schedule. Payment shall be based on the allowable state reimbursement rates for licensed day care centers, pursuant to Idaho Department of Health and Welfare Rules, Title 06, Chapter 01, "Rules Governing Social Services," as specified below: (12-31-91)

TABLE - DAY CARE CENTER PAYMENT SCHEDULE			
	NUMBER OF INDIVIDUALS, SAME FAMILY		
	1	2	3
Normal Daily Maximum for Day Care Centers	\$5	\$9	\$12

06. Respite Care Center Payment Schedule. Payment shall be based on an hourly rate per staff member of two dollars fifty cents (\$2.50) per hour. (12-1-81)

07. Respite Care Home Payment Schedule. Payment shall be based on the following schedule depending on the severity of handicap and hours of care: (12-1-81)

TABLE - RESPITE CARE HOME PAYMENT SCHEDULE		
	Daily Rate	Hourly Rate
Severity of Handicap	(9 - 24 hrs.) Per Client	(1 - 8 hrs.) Per Client
Mild	\$15	\$1.50
Moderate	\$18	\$1.75
Severe	\$25	\$2.25

08. In-house Respite Care Payment Schedule. Payment shall be based on the following schedule depending on the severity of handicap and hours of care: (12-1-81)

TABLE - IN-HOUSE RESPITE CARE PAYMENT SCHEDULE		
	Daily Rate	Hourly Rate
Severity of Handicap	(9 - 24 hrs.) Per Client	(1 - 8 hrs.) Per Client
Mild	\$15	\$1.50

TABLE - IN-HOUSE RESPITE CARE PAYMENT SCHEDULE		
	Daily Rate	Hourly Rate
Moderate	\$18	\$1.75
Severe	\$25	\$2.25

09. Other Facilities (Providers) Payment Schedule. Payment shall be based on the following schedule depending on the severity of handicap and hours of care: (12-1-81)

TABLE - OTHER FACILITIES PAYMENT SCHEDULE		
	Daily Rate	Hourly Rate
Severity of Handicap	(9 - 24 hrs.) Per Client	(1 - 8 hrs.) Per Client
Mild	\$15	\$1.50
Moderate	\$18	\$1.75
Severe	\$25	\$2.25

10. Parent/Guardian Contribution. Parents or guardians shall contribute to the Department of Health and Welfare three dollars (\$3) per twenty-four (24) hour day, or one dollar (\$1) for less than twenty-four (24) hours for respite care services. (12-1-81)

211. -- 349. (RESERVED).

350. PROVIDER PAYMENT.

A form authorizing payment to each individual/facility shall be completed by the provider before payment may be made to the provider. The provider must also submit an invoice in order to receive payment. (8-19-85)

351. -- 995. (RESERVED).

996. ADMINISTRATIVE PROVISIONS.

Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, Title 05, Chapter 03, Sections 000, et seq., "Rules Governing Contested Cases and Declaratory Rulings." (12-31-91)

997. CONFIDENTIALITY OF RECORDS.

Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, Title 05, Chapter 01, "Rules Governing the Protection and Disclosure of Department Records." (12-31-91)

998. INCLUSIVE GENDER.

For the purpose of these rules, words used in the masculine gender include the feminine or vice versa, where appropriate. (12-1-81)

999. SEVERABILITY.

Idaho Department of Health and Welfare Rules, Title 04, Chapter 05, are severable. If any rule, or part thereof, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion of this chapter. (12-1-81)