R510. Health and Human Services, Aging and Adult Services.
R510-401. Utah Caregiver Support Program.
R510-401-1. Authority and Purpose.

(1) The purpose of the rule is to facilitate the administration of the Utah Caregiver Support Program (UCSP), as established pursuant to the Older Americans Act of 1965, 42 U.S.C. Section 3030s et seq.

(2) The rule is authorized by Section 26B-1-202 and the Older Americans Act of 1965, 42 U.S.C. Section 3030s et seq.

R510-401-2. Definitions.

(1) Terms used in this rule are defined in Section 26B-6-101, 42 U.S.C. 3022, and 42 U.S.C. 3030s.

(2) "Respite or Respite Care" means temporary, substitute supports or living arrangements to provide a brief period of relief or rest for caregivers as outlined in the service plan developed by a case manager following a formal assessment. Respite services include in-home respite, adult day care respite, or institutional respite for an overnight stay on an intermittent, occasional, or emergency basis.

(3) "Service Plan" means a written plan which contains a description of the needs of the caregiver, the care recipient, and the services and goals necessary to meet those needs.

(4) "Severe Disability" means the same as defined in 45 C.F.R. 1321.3.

(5) "Supplemental Services" means other services to complement the care of caregivers, on a limited basis, as determined by a case manager through the assessment process and included in a service plan. Supplemental services do not include services described in 42 U.S.C. 3030s-1(b)(1)-(4).

R510-401-3. Eligibility for Services.

(1) Family caregivers and older relative caregivers are eligible to receive services described in Section R510-401-4.

(2) Priority to receive services shall be given in the following order of preference, as determined by the administration of a risk screening and assessment tool approved by the division:

(a) to family caregivers and older relative caregivers who are older individuals with greatest social and economic need;

(b) to family caregivers who provide care for older individuals with Alzheimer's disease and related disorders with neurological and organic brain dysfunction; and

(c) to older relative caregivers of individuals with severe disabilities or older relative caregivers of children.

(3) If there are insufficient funds to offer eligible caregivers services, the local area agency shall maintain a list of all eligible caregivers. All eligible caregivers shall be given services pursuant to the order of preference described in Subsections R510-401-3(2).

R510-401-4. Services.

(1) Each local area agency shall provide a multifaceted system of caregiver support services for family caregivers and older relative caregivers. The multifaceted system of caregiver support services shall include the following:

(a) information to caregivers about available services;

(b) individualized assistance to caregivers in gaining access to services, which may include phone contact and home visits;

(c) individual counseling, support groups, and caregiver training to assist the caregivers in the areas of health, nutrition, and financial literacy, and in making decisions and solving problems related to their caregiving roles;

(d) respite care to enable caregivers to be temporarily relieved from their caregiving responsibilities; and

(e) supplemental services, on a limited basis, to complement the care provided by caregivers.

(2) Each local area agency shall coordinate its services with the services of other community agencies and voluntary organizations which provide supportive services to family caregivers and older relative caregivers.

(3) To ensure coordination of caregiver services in the planning and service area, each local area agency shall, at a minimum, convene an annual joint planning meeting with other community agencies or voluntary organizations which provide supportive services to family caregivers and older relative caregivers.

(4) Each local area agency shall allocate funds received for the UCSP as follows:

(a) at least 3% of funds shall be used to provide information to caregivers about available services;

(b) at least 5% of funds shall be used to provide assistance to caregivers in gaining access to services;

(c) at least 5% of funds shall be used to provide individual counseling, support groups, and caregiver training to caregivers to assist caregivers in the areas of health, nutrition, and financial literacy, and in making decisions and solving problems related to their caregiving roles;

(d) at least 5% of funds shall be used to provide respite care to enable caregivers to be temporarily relieved from their caregiving responsibilities; and

(e) no more than 20% of funds may be used to provide supplemental services, on a limited basis, to complement the care provided by caregivers;

(5) Prior to receiving respite or supplemental services, the local area agency shall develop a written service plan for the caregiver, which shall be maintained in the client file.

(a) If respite services are authorized for the caregiver, the written plan shall authorize the respite services for a twelve-month period and shall establish an expenditure limit for the individual to receive respite services.

(b) If supplemental services are authorized for the caregiver, the written plan shall authorize the supplemental services

for a twelve-month period and shall establish an expenditure limit for the individual to receive supplemental services. The expenditure limit for the individual to receive supplemental services shall not be included in the expenditure limit described in Subsection 510-401-4(5)(a).

(6) If a caregiver discontinues respite or supplemental services before the end of the twelve-month period and before the established service expenditure limit for the individual is reached, the case shall be closed.

(a) The caregiver may be re-authorized to receive respite or supplemental services if funds are available and the caregiver reapplied within 12 months from the original date of enrollment to receive respite or supplemental services.

(b) The caregiver shall be given priority to receive respite or supplemental services if there are no funds available, but the caregiver reapplies within 12 months from the original date of enrollment to receive respite or supplemental services.

(c) The caregiver shall be authorized to receive respite or supplemental services pursuant to the process and order of preference described in Subsection R510-401-3(2) if funds are available, but the caregiver does not reapply within twelve months from the original date of enrollment to receive respite or supplemental services.

(7) The local area agency shall use trained volunteers to expand the available resources and, if possible, work in coordination with organizations that have experience in providing training, placement, and stipends for volunteers or participants in community settings.

R510-401-5. Caregiver Advisory Council.

(1) Each local area agency shall develop and maintain a caregiver advisory council.

(2) Each caregiver advisory council shall meet the following requirements:

(a) be comprised of at least five members, including at least one caregiver;

(b) meet at least semi-annually;

(3) administer an annual caregiver satisfaction survey for the USCP; and

(4) advise the local area agency on the service needs and action plans of the area being served.

R510-401-6. Voluntary Contributions.

(1) Each caregiver shall be allowed to offer a voluntary contribution for services provided by the USCP. The method for solicitation of a voluntary contribution may not be coercive.

(2) Any voluntary contribution may not be taken into consideration when determining an individual's economic need for services.

(3) Each local area agency shall develop and implement procedures for the collection of voluntary contributions, which shall include the following:

(a) provide each caregiver with an opportunity to voluntarily contribute to the cost of the service being provided;

(b) clearly inform each caregiver that there is no obligation to contribute and that the contribution is voluntary;

(c) protect the privacy and confidentiality of each caregiver with respect to the caregiver's contribution or lack of contribution;

(d) establish appropriate procedures to safeguard and account for voluntary contributions; and

(e) require that all voluntary contributions be used to expand the services for which the contributions were.

R510-401-7. Reporting.

(1) Each local area agency shall collect and maintain information relating to the USCP in the format specified by the division.

(2) Each local area agency shall provide information to the division when requested.

(3) Each local area agency shall record the activities and decisions of each caregiver advisory council. Each local area agency shall report the activities and decisions of each caregiver advisory council to the division.

R510-401-8. Waiver Requests for Respite and Supplemental Services.

(1) Any waiver of a limit on respite or supplemental services shall be at the discretion of the local area agency.

(2) A request for a waiver of a limit on respite or supplemental services shall be submitted in writing to the local area agency and reviewed by the local area agency's director or the local area agency director's designee. A waiver request shall demonstrate the local area agency's efforts to access other sources of services or available funds.

(3) A waiver request, and accompanying documentation, shall be maintained in the individual's client file.

(4) Any approved waiver request shall be submitted in writing to the division.

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