
By: **Delegates Goldwater, James, Kopp, Bronrott, Hurson, and Stern**
Introduced and read first time: February 9, 2000
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Family Caregiver Support Act**

3 FOR the purpose of establishing the Family Caregiver Support Program; specifying
4 the purpose and functions of the Program; requiring the development and
5 maintenance of a central statewide family caregiver support registry; requiring
6 the Program to work with certain entities to establish community family
7 caregiver support programs; requiring the Program to coordinate family
8 caregiver support services among certain agencies and entities; authorizing the
9 use of funds appropriated to the Program for certain functions; creating certain
10 staff positions to carry out the duties of the Program; authorizing the Program
11 to identify, apply for, and allocate certain funds; authorizing the Department of
12 Health and Mental Hygiene to adopt certain rules necessary for the operation
13 and administration of the Program; requiring the Department to establish
14 certain community respite care programs in the State by a certain date; and
15 generally relating to the Family Caregiver Support Program.

16 BY adding to
17 Article - Health - General
18 Section 13-1001 through 13-1004, inclusive, to be under the new subtitle
19 "Subtitle 10. Family Caregiver Support Program"
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1999 Supplement)

22 Preamble

23 WHEREAS, Supporting the efforts of families and caregivers to care for
24 individuals with special needs at home is efficient, cost effective, and humane; and

25 WHEREAS, Families receiving occasional caregiver support services are less
26 likely to request institutional care at public expense for an individual with special
27 needs; and

28 WHEREAS, Caregiver support services reduce family and caregiver stress,
29 enhance family and caregiver coping ability, and strengthen family ability to meet the
30 challenging demands of caring for individuals with special needs; and

1 WHEREAS, Caregiver support services reduce the risk of abuse and neglect of
2 children, senior citizens, and other vulnerable groups; and

3 WHEREAS, Coordinated, noncategorical caregiver support services must be
4 available locally to provide reliable short-term relief when it is needed by families
5 and caregivers regardless of where they live in Maryland; now, therefore,

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article - Health - General**

9 **SUBTITLE 10. FAMILY CAREGIVER SUPPORT PROGRAM.**

10 13-1001.

11 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 (B) "CAREGIVER" MEANS AN INDIVIDUAL PROVIDING ONGOING CARE FOR AN
14 INDIVIDUAL WITH SPECIAL NEEDS.

15 (C) "COMMUNITY FAMILY CAREGIVER SUPPORT PROGRAM" MEANS A
16 SUPPORT PROGRAM OF NONCATEGORICAL CARE THAT:

17 (1) IS OPERATED BY A COMMUNITY-BASED NONPROFIT, FOR-PROFIT,
18 OR PUBLIC AGENCY THAT PROVIDES CAREGIVER SUPPORT SERVICES;

19 (2) RECEIVES FUNDING THROUGH THE PROGRAM ESTABLISHED UNDER
20 § 13-1002 OF THIS SUBTITLE;

21 (3) SERVES AN AREA OF ONE OR MORE COUNTIES;

22 (4) ACTS AS A SINGLE LOCAL SOURCE OF INFORMATION AND REFERRAL;
23 AND

24 (5) FACILITATES ACCESS TO LOCAL FAMILY CAREGIVER SUPPORT
25 SERVICES.

26 (D) (1) "FAMILY CAREGIVER SUPPORT SERVICES" MEANS THE PROVISION OF
27 SHORT-TERM RELIEF OR SUPPORTIVE SERVICES TO PRIMARY CAREGIVERS TO
28 ASSIST IN MEETING THE DEMANDS OF ONGOING CARE FOR AN INDIVIDUAL WITH
29 SPECIAL NEEDS.

30 (2) "FAMILY CAREGIVER SUPPORT SERVICES" INCLUDES:

31 (I) RESPITE CARE;

32 (II) FAMILY COUNSELING;

33 (III) SUPPORT GROUPS;

1 (IV) RECRUITING AND SCREENING OF PAID AND UNPAID
2 PROVIDERS OF CAREGIVER SUPPORT SERVICES;

3 (V) IDENTIFYING LOCAL TRAINING RESOURCES AND ORGANIZING
4 TRAINING OPPORTUNITIES FOR PROVIDERS OF CAREGIVER SUPPORT SERVICES;

5 (VI) MATCHING OF FAMILIES AND CAREGIVERS WITH PROVIDERS
6 AND OTHER TYPES OF CAREGIVER SUPPORT SERVICES;

7 (VII) LINKING FAMILIES AND CAREGIVERS WITH PAYMENT
8 RESOURCES;

9 (VIII) IDENTIFYING, COORDINATING, AND DEVELOPING COMMUNITY
10 RESOURCES FOR CAREGIVER SUPPORT SERVICES;

11 (IX) MONITORING AND EVALUATING;

12 (X) ASSISTING FAMILIES AND CAREGIVERS IN IDENTIFYING
13 CAREGIVER SUPPORT NEEDS AND RESOURCES; AND

14 (XI) PROVIDING ANY OTHER SERVICE DEEMED A CAREGIVER
15 SUPPORT SERVICE BY THE DEPARTMENT.

16 (E) "NONCATEGORICAL CARE" MEANS CARE WITHOUT REGARD TO THE
17 STATUS INCLUDING, BUT NOT LIMITED TO, AGE AND TYPE OF SPECIAL NEED OF THE
18 INDIVIDUAL RECEIVING CARE.

19 (F) "PROGRAM" MEANS THE FAMILY CAREGIVER SUPPORT PROGRAM.

20 (G) "PROVIDER" MEANS AN INDIVIDUAL OR AGENCY SELECTED BY A FAMILY
21 OR CAREGIVER TO PROVIDE CAREGIVER SUPPORT SERVICES TO AN INDIVIDUAL
22 WITH SPECIAL NEEDS OR THE INDIVIDUAL'S FAMILY.

23 (H) "SPECIAL NEEDS" INCLUDES:

24 (1) ALZHEIMER'S DISEASE AND RELATED DISORDERS;

25 (2) DEVELOPMENTAL DISABILITIES;

26 (3) PHYSICAL DISABILITIES;

27 (4) CHRONIC ILLNESS;

28 (5) MENTAL AND EMOTIONAL CONDITIONS THAT REQUIRE
29 SUPERVISION;

30 (6) SITUATIONS IN WHICH A HIGH RISK OF ABUSE OR NEGLECT EXISTS;
31 AND

32 (7) OTHER SITUATIONS OR CONDITIONS THAT THE DEPARTMENT MAY
33 ESTABLISH BY REGULATION.

1 13-1002.

2 (A) (1) THERE IS A FAMILY CAREGIVER SUPPORT PROGRAM IN THE
3 DEPARTMENT.

4 (2) THE PURPOSE OF THIS PROGRAM IS TO DEVELOP AND ENCOURAGE
5 THE STATEWIDE COORDINATION OF FAMILY CAREGIVER SUPPORT SERVICES AND TO
6 WORK WITH COMMUNITY NONPROFIT, FOR-PROFIT, OR PUBLIC AGENCIES AND
7 INTERESTED CITIZEN GROUPS IN THE ESTABLISHMENT OF COMMUNITY FAMILY
8 CAREGIVER SUPPORT PROGRAMS.

9 (B) THE PROGRAM SHALL:

10 (1) DEVELOP AND MAINTAIN A CENTRAL STATEWIDE FAMILY
11 CAREGIVER SUPPORT REGISTRY, WHICH SHALL CONTAIN THE FOLLOWING
12 INFORMATION ON EACH PROVIDER OFFERING FAMILY CAREGIVER SUPPORT
13 SERVICES IN MARYLAND:

14 (I) NAME;

15 (II) ADDRESS;

16 (III) TELEPHONE NUMBER;

17 (IV) TYPE OF SERVICES AVAILABLE;

18 (V) CATEGORY OF INDIVIDUALS SERVED;

19 (VI) ELIGIBILITY REQUIREMENTS FOR RECEIVING SERVICES; AND

20 (VII) ANY OTHER INFORMATION CONSIDERED NECESSARY BY THE
21 DEPARTMENT TO ASSIST FAMILIES IN ACCESSING FAMILY CAREGIVER SUPPORT
22 SERVICES;

23 (2) PROVIDE POLICY AND PROGRAM DEVELOPMENT SUPPORT,
24 INCLUDING DATA COLLECTION AND OUTCOME MEASURES;

25 (3) IDENTIFY AND PROMOTE RESOLUTION OF LOCAL AND STATE LEVEL
26 POLICY CONCERNS;

27 (4) PROVIDE TECHNICAL ASSISTANCE TO COMMUNITY FAMILY
28 CAREGIVER SUPPORT PROGRAMS;

29 (5) DEVELOP AND DISTRIBUTE FAMILY CAREGIVER SUPPORT
30 INFORMATION;

31 (6) COORDINATE FAMILY CAREGIVER SUPPORT SERVICES AMONG THE
32 DEPARTMENT, THE DEPARTMENT OF HUMAN RESOURCES, LOCAL AREA AGENCIES
33 ON AGING, LOCAL HEALTH DEPARTMENTS, COMMUNITY FAMILY CAREGIVER
34 SUPPORT PROGRAMS, AGENCIES SERVING INDIVIDUALS WITH SPECIAL NEEDS,
35 FAMILIES, AND CAREGIVER SUPPORT ADVOCATES TO ENSURE THE EFFICIENT

1 PROVISION OF CAREGIVER SUPPORT SERVICES AND TO REDUCE DUPLICATION OF
2 EFFORT;

3 (7) ENSURE STATEWIDE ACCESS TO FAMILY CAREGIVER SUPPORT
4 PROGRAMS; AND

5 (8) MONITOR AND EVALUATE IMPLEMENTATION OF COMMUNITY
6 FAMILY CAREGIVER SUPPORT PROGRAMS.

7 (C) (1) THE PROGRAM SHALL ACCEPT PROPOSALS TO OPERATE COMMUNITY
8 FAMILY CAREGIVER SUPPORT PROGRAMS, SUBMITTED IN THE FORM AND MANNER
9 REQUIRED BY THE PROGRAM, FROM COMMUNITY-BASED NONPROFIT, FOR-PROFIT,
10 OR PUBLIC AGENCIES THAT PROVIDE FAMILY CAREGIVER SUPPORT SERVICES.

11 (2) ACCORDING TO CRITERIA ESTABLISHED BY THE DEPARTMENT, THE
12 PROGRAM SHALL DESIGNATE AND FUND AGENCIES DESCRIBED IN THIS SUBTITLE
13 TO OPERATE COMMUNITY FAMILY CAREGIVER SUPPORT PROGRAMS.

14 (D) THE PROGRAM MAY USE THE FUNDS APPROPRIATED TO THE PROGRAM
15 FOR THE FOLLOWING PURPOSES:

16 (1) THE PURPOSES ESTABLISHED IN THIS SECTION AND §§ 13-1003 AND
17 13-1004 OF THIS SUBTITLE;

18 (2) COSTS RELATED TO DEVELOPING PROVIDER RECRUITMENT AND
19 TRAINING, INFORMATION AND REFERRAL SERVICES, OUTREACH, AND OTHER
20 PROGRAM COMPONENTS;

21 (3) ONETIME ONLY START-UP COSTS RELATED TO THE ESTABLISHMENT
22 OF THE COMMUNITY FAMILY CAREGIVER SUPPORT PROGRAM; AND

23 (4) MINIMUM ADMINISTRATIVE COSTS FOR PROGRAM OPERATION.

24 13-1003.

25 (A) THE DEPARTMENT SHALL:

26 (1) COORDINATE THE ESTABLISHMENT OF COMMUNITY FAMILY
27 CAREGIVER SUPPORT PROGRAMS;

28 (2) CREATE THE FOLLOWING POSITIONS TO CARRY OUT THE DUTIES OF
29 THE PROGRAM:

30 (I) PROGRAM ADMINISTRATOR; AND

31 (II) ADMINISTRATIVE ASSISTANT;

32 (3) AUTHORIZE THE PROGRAM TO IDENTIFY, APPLY FOR, AND ALLOCATE
33 FUNDS FROM FEDERAL AND PRIVATE SOURCES TO SUPPLEMENT STATE FUNDING;
34 AND

1 (4) ADOPT REGULATIONS NECESSARY FOR THE OPERATION AND
2 ADMINISTRATION OF THE PROGRAM, INCLUDING:

3 (I) ESTABLISHING CRITERIA, PROCEDURES, AND TIME LINES FOR
4 DESIGNATION OF THE COMMUNITY-BASED NONPROFIT, FOR-PROFIT, OR PUBLIC
5 AGENCIES THAT WILL RECEIVE FUNDING TO PROVIDE RESPITE SERVICES UNDER
6 COMMUNITY FAMILY CAREGIVER SUPPORT PROGRAMS; AND

7 (II) REQUIRING COMMUNITY FAMILY CAREGIVER SUPPORT
8 PROGRAMS TO PUBLICIZE A TELEPHONE NUMBER AND ADDRESS WHERE FAMILIES
9 AND CAREGIVERS MAY CONTACT THE PROGRAM.

10 (B) (1) BY NO LATER THAN OCTOBER 1, 2002, THE DEPARTMENT SHALL
11 ESTABLISH AT LEAST EIGHT COMMUNITY RESPITE CARE PROGRAMS IN MARYLAND.

12 (2) ON OR BEFORE OCTOBER 1, 2004, THE DEPARTMENT SHALL
13 ESTABLISH AT LEAST 16 COMMUNITY RESPITE CARE PROGRAMS IN MARYLAND.

14 (3) ON OR BEFORE OCTOBER 1, 2006, THE DEPARTMENT SHALL ENSURE
15 THAT INDIVIDUALS IN EACH COUNTY HAVE ACCESS TO CAREGIVER SUPPORT
16 SERVICES THROUGH COMMUNITY FAMILY CAREGIVER SUPPORT PROGRAMS.

17 13-1004.

18 (A) (1) EACH COMMUNITY FAMILY CAREGIVER SUPPORT PROGRAM
19 ESTABLISHED UNDER THIS SUBTITLE SHALL:

20 (I) INVOLVE KEY LOCAL INDIVIDUALS AND AGENCIES IN THE
21 COMMUNITY FAMILY CAREGIVER SUPPORT PROGRAM PLANNING PROCESS; AND

22 (II) CREATE AN ADVISORY COMMITTEE COMPOSED OF 15 MEMBERS
23 TO ADVISE THE COMMUNITY FAMILY CAREGIVER SUPPORT PROGRAM ON HOW THE
24 PROGRAM MAY BEST SERVE THE NEEDS OF FAMILIES AND CAREGIVERS OF
25 INDIVIDUALS WITH SPECIAL NEEDS.

26 (2) (I) AT LEAST EIGHT MEMBERS OF AN ADVISORY COMMITTEE
27 SHALL BE FAMILY MEMBERS AND CAREGIVERS OF INDIVIDUALS WITH SPECIAL
28 NEEDS.

29 (II) OTHER MEMBERS SHALL INCLUDE RESPITE CARE PROVIDERS,
30 REPRESENTATIVES OF LOCAL SOCIAL SERVICES AGENCIES, AND OTHER COMMUNITY
31 REPRESENTATIVES.

32 (3) AN ADVISORY COMMITTEE SHALL INCLUDE REPRESENTATIVES OF
33 SENIOR CITIZENS, INDIVIDUALS WITH SPECIAL NEEDS, AND FAMILIES AT RISK OF
34 ABUSE OR NEGLECT.

35 (B) FAMILY CAREGIVER SUPPORT SERVICES MADE AVAILABLE THROUGH
36 COMMUNITY FAMILY CAREGIVER SUPPORT PROGRAMS SHALL:

1 (1) INCLUDE A FLEXIBLE ARRAY OF FAMILY CAREGIVER SUPPORT
2 SERVICE OPTIONS RESPONSIVE TO FAMILY AND CAREGIVER NEEDS AND AVAILABLE
3 BEFORE FAMILIES AND CAREGIVERS ARE IN A CRISIS SITUATION;

4 (2) BE SENSITIVE TO THE UNIQUE NEEDS, STRENGTHS, AND
5 MULTICULTURAL VALUES OF AN INDIVIDUAL, FAMILY, OR CAREGIVER;

6 (3) OFFER THE MOST EFFICIENT ACCESS TO AN ARRAY OF
7 COORDINATED FAMILY CAREGIVER SUPPORT SERVICES THAT ARE BUILT ON
8 EXISTING COMMUNITY SUPPORTS AND SERVICES;

9 (4) BE BASED ON COMMUNITY STRENGTHS, NEEDS, AND RESOURCES;
10 AND

11 (5) USE A VARIETY OF FUNDS AND RESOURCES, INCLUDING BUT NOT
12 LIMITED TO:

13 (I) FAMILY OR CAREGIVER FUNDS;

14 (II) PRIVATE AND VOLUNTEER RESOURCES;

15 (III) PUBLIC FUNDS; AND

16 (IV) EXCHANGE OF CARE AMONG FAMILIES OR CAREGIVERS.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2000.