

IC 12-10.5

ARTICLE 10.5. RESPITE CARE SERVICES

IC 12-10.5-1

Chapter 1. Caretaker Support Program

IC 12-10.5-1-1

"Caretaker"

Sec. 1. As used in this chapter, "caretaker" means an individual who:

- (1) provides ongoing care for an individual who:
 - (A) is at least eighteen (18) years of age; and
 - (B) has special needs; and
- (2) does not receive money for the care provided under subdivision (1).

As added by P.L.274-2003, SEC.6.

IC 12-10.5-1-2

"Special needs"

Sec. 2. As used in this chapter, "special needs" means any of the following:

- (1) Alzheimer's disease or any related disorder.
- (2) Inability to perform at least two (2) activities of daily living.
- (3) Any other condition that the division determines by rule should be covered by this article.

As added by P.L.274-2003, SEC.6.

IC 12-10.5-1-3

Establishment of program

Sec. 3. The caretaker support program is established.

As added by P.L.274-2003, SEC.6.

IC 12-10.5-1-4

Administration of program; adoption of rules

Sec. 4. (a) The division of aging established by IC 12-9.1-1-1 shall administer the caretaker support program established under this chapter.

(b) The division of aging shall do the following:

- (1) Subject to section 9 of this chapter, adopt rules under IC 4-22-2 for the coordination and administration of the caretaker support program.
- (2) Administer any money for the caretaker support program that is appropriated by the general assembly.

As added by P.L.274-2003, SEC.6. Amended by P.L.37-2005, SEC.1; P.L.141-2006, SEC.45.

IC 12-10.5-1-5

Eligibility for program

Sec. 5. An individual who is at least sixty-five (65) years of age and:

- (1) a caretaker; or
- (2) an individual with special needs being taken care of by a caretaker;

is eligible for the caretaker support program.

As added by P.L.274-2003, SEC.6.

IC 12-10.5-1-6

Included services

Sec. 6. Caretaker support program services include the following services administered by the area agencies on aging:

- (1) Information for caretakers about available services.
- (2) Assistance to caretakers in gaining access to the services.
- (3) Individual counseling, organization of support groups, and caretaker training to assist caretakers in making decisions and solving problems in the individual's role as caretaker.
- (4) Respite care to offer caretakers temporary relief from caretaker responsibilities.

As added by P.L.274-2003, SEC.6.

IC 12-10.5-1-7

Development of client cost share formula

Sec. 7. The division shall develop and implement a client cost share formula for respite care services.

As added by P.L.274-2003, SEC.6.

IC 12-10.5-1-8

Use of volunteers

Sec. 8. When possible, the division shall make use of volunteers and volunteer groups, including faith based groups, when executing its duties under this article.

As added by P.L.274-2003, SEC.6.

IC 12-10.5-1-9

Rule adoption; consultation with interested parties; requirements for rules; publication of comments received

Sec. 9. (a) Before finally adopting a rule under IC 4-22-2 to implement this chapter, the division shall consult with and fully consider any comments submitted by:

- (1) caretakers providing care for a special needs individual under this chapter;
- (2) individuals with special needs receiving care from a caretaker under this chapter;
- (3) area agencies on aging;
- (4) consumers and providers of home and community based services under IC 12-10-10 and IC 12-10-11.5; and
- (5) any other agency, volunteer group, faith based group, or individual that the division considers appropriate;

to ensure that the rule complies with the requirements set forth in subsection (b).

(b) Rules adopted under this chapter must:

(1) include protections for the rights, safety, and welfare of individuals with special needs receiving care from a caretaker under this chapter, including reasonable monitoring and reporting requirements;

(2) serve distinct populations, including:

(A) the aged;

(B) persons with developmental disabilities; and

(C) persons with physical disabilities;

in a manner that recognizes, and appropriately responds to, the particular needs of the population;

(3) not create barriers to the availability of home and community based services under IC 12-10-10 and IC 12-10-11.5 by imposing costly or unduly burdensome requirements on caretakers or other service providers, including:

(A) requirements for proof of financial responsibility; and

(B) monitoring, enforcement, reporting, or other administrative requirements; and

(4) otherwise comply with IC 12-10-10, IC 12-10-11.5, and this chapter.

(c) Before submitting a rule adopted under this chapter to the attorney general for final approval under IC 4-22-2-31, the division shall submit to the publisher (as defined in IC 4-22-2-3(f)) for publication in the Indiana Register the division's written response under IC 4-22-2-23 to any comments received from the parties described in subsection (a). Submissions to the publisher shall be made in the electronic format specified by the publisher.

As added by P.L.37-2005, SEC.2. Amended by P.L.123-2006, SEC.26.