

ACT NO. 2012- 410

1 SB89  
2 136425-4  
3 By Senator Ward  
4 RFD: Health  
5 First Read: 07-FEB-12  
6 PFD: 01/18/2012



1 SB89

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4 ENROLLED, An Act,

5 To create the Alabama Lifespan Respite Resource  
6 Network known also as Alabama Respite to support family  
7 caregivers of children and adults with health care needs and  
8 to coordinate the Alabama Lifespan Respite Coalition; to  
9 provide for the membership of the Alabama Lifespan Respite  
10 Coalition; to coordinate statewide respite care efforts; to  
11 compete for federal funding; and to provide for funding  
12 guidelines.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. This act shall be known and may be cited  
15 as the "Alabama Lifespan Respite Resource Network Act."

16 Section 2. (a) The legislative findings, purpose,  
17 and intent of this act are to develop the infrastructure for a  
18 statewide network of lifespan respite programs in Alabama and  
19 for Alabama Respite to be the statewide entity to address  
20 issues relating to respite care in our state.

21 (b) The Alabama Legislature makes the following  
22 findings:

23 (1) Respite is short term temporary relief that can  
24 make a world of difference for family caregivers of both

1 children and adults with disabilities and other health care needs.

2 (2) Respite is one of the home and community-based  
3 services most requested by family caregivers, yet remains in  
4 short supply.

5 (3) As of 2012, over 818,000 adults in Alabama are  
6 caregivers for a family member.

7 (4) Respite helps preserve families by reducing  
8 stress, supporting stability, preventing situations that can  
9 lead to abuse and neglect, and reducing the incidence of  
10 divorce and out-of-home placement.

11 (5) Respite is a simple, cost-effective solution for  
12 situations that can otherwise devastate families.

13 (6) A state lifespan respite program simplifies and  
14 accelerates the process for accessing respite services and is  
15 recognized by service providers, families, and policymakers,  
16 in Alabama as well as nationwide, as the best practice in the  
17 provision of respite care in the most cost-effective way.

18 (7) Federal legislation was passed in Congress that  
19 would provide a mechanism to fund states that have  
20 collaborative systems of lifespan respite provision in place.

21 Section 3. When used in this act, the following  
22 words shall have the following meanings:

23 (1) ADULT WITH SPECIAL NEED. A person 19 years of  
24 age or older who requires care or supervision to meet the

1 person's basic needs or prevent physical self-injury or injury  
2 to others, or avoid placement in an institutional facility.

3 (2) AGING AND DISABILITY RESOURCE CENTER. An entity  
4 that provides a coordinated system for providing information  
5 on long-term care programs and options, personal counseling,  
6 and consumer access to publicly support long-term care  
7 programs.

8 (3) CHILD WITH SPECIAL NEED. A person under age 19  
9 who requires care or supervision beyond that required for  
10 children generally to meet the child's basic needs or prevent  
11 physical injury to self or others.

12 (4) ELIGIBLE STATE AGENCY. A state agency that  
13 administers the Older Americans Act or the state's Medicaid  
14 program or one designated by the Governor, and is an aging and  
15 disability resource center working in collaboration with a  
16 state respite coalition or organization.

17 (5) FAMILY CAREGIVER. Family members, foster  
18 parents, or other adults providing ongoing unpaid care for an  
19 adult or child with special needs.

20 (6) LIFESPAN RESPITE CARE. Coordinated systems of  
21 accessible, community-based respite care services for family  
22 caregivers of children or adults with special needs.

23 (7) RESPITE. Planned or emergency care provided to a  
24 child or adult with a special need in order to provide

1 temporary relief to the family caregiver of that child or  
2 adult.

3 (8) RESPITE PROVIDER. An individual who provides a  
4 temporary break or period of relief to family caregivers.

5 (9) SPECIAL NEED. A disability or chronic illness as  
6 defined in Public Law 109-442.

7 (10) STAKEHOLDER. A person, group, organization, or  
8 system that affects or can be affected by an organization's  
9 actions.

10 Section 4. There is created the Alabama Lifespan  
11 Respite Resource Network as the statewide entity that shall do  
12 the following:

13 (1) Address issues relating to respite care in our  
14 state.

15 (2) Maintain a statewide system that facilitates the  
16 availability and use of high quality, cost-effective lifespan  
17 respite services that provide caregivers the break they need  
18 from caring for a loved one with disability or chronic  
19 illness.

20 (3) Develop and coordinate the Alabama Lifespan  
21 Respite Coalition.

22 (4) Work in collaboration with the eligible state  
23 agency and the Governor's Office to access funding through the  
24 federal Lifespan Respite Care Act of 2006 (PL109-442).

25 (5) Identify statewide respite care providers.

1           (6) Maintain a directory of respite services in  
2 Alabama and link family caregivers with respite care providers  
3 and other types of respite-related programs.

4           (7) Provide technical assistance to community-based  
5 organizations and other entities that wish to develop a  
6 respite care program.

7           (8) Provide voucher respite funding to eligible  
8 primary caregivers as funds are available.

9           (9) Provide information and referral services.

10          (10) Provide an easy to access and/or interactive  
11 information avenue, such as a toll-free number or  
12 informational website like [www.alabamarespite.org](http://www.alabamarespite.org), to share  
13 current news about respite including new resources, training  
14 opportunities, and information for caregivers.

15          (11) Offer family caregiver training through  
16 partnership with other agencies or other organizations or  
17 advocacy groups.

18          Section 5. (a) There is created the Alabama Lifespan  
19 Respite Coalition composed of members who shall be culturally,  
20 economically, and geographically diverse and representative of  
21 the state demographics and appointed by the Governor or his or  
22 her designee. The membership may include, but is not limited  
23 to, the following:

24               (1) The Chair of the House Ways and Means Committee  
25 on Education.

1 (2) The Chair of the Senate Judiciary Committee.

2 (3) The Chair of the House of Representatives Health  
3 Committee.

4 (4) The Chair of the Senate Health Committee

5 (5) A member from the Governor's Office on  
6 Disability.

7 (6) A member from the Department of Senior Services.

8 (7) A member from the Department of Medicaid.

9 (8) A member from the Department of Rehabilitation  
10 Services.

11 (9) A member from the Department of Human Resources.

12 (10) A member from the Alabama Health Department.

13 (11) A member from the Department of Child Abuse and  
14 Neglect Prevention.

15 (12) A member from the Department of Mental Health.

16 (13) A member from the Alabama Council for  
17 Developmental Disabilities.

18 (14) A representative from a United Cerebral Palsy  
19 affiliate in Alabama.

20 (15) A representative from a statewide advocacy or  
21 support group.

22 (16) A representative from a community respite  
23 initiative or program.

24 (17) A representative from a collaborative training  
25 partner.

1           (18) Two family caregivers representing diverse  
2 special needs populations.

3           (19) Two respite care providers.

4           (20) A representative from the Autism Society of  
5 Alabama.

6           (21) A representative from the Alabama Hospice  
7 Organization.

8           (22) A representative from the American Association  
9 of Retired Persons (AARP).

10           (b) The members of the coalition shall meet at least  
11 twice a year, and at such other times as the chair of the  
12 coalition deems appropriate. Members shall serve without  
13 compensation. A chair of the coalition shall be elected by the  
14 membership at the first meeting of the coalition. Members  
15 shall be appointed for three-year terms and may be eligible to  
16 succeed themselves for one additional term. Members shall be  
17 appointed to the coalition within 30 days of the effective  
18 date of this act. Any member who fails to attend three  
19 consecutive meetings or at least one-half of all coalition  
20 meetings held during the calendar year shall be deemed to have  
21 resigned. Vacant positions shall be filled for any expired  
22 term by the respective appointing authorities.

23           (c) The coalition shall have the following  
24 responsibilities:



1           (1) Build partnerships and coordinate respite care  
2 efforts statewide, and prepare Alabama to compete for federal  
3 funding as the Lifespan Respite Act is funded.

4           (2) Provide public awareness about respite to the  
5 citizens of Alabama.

6           (3) Identify, coordinate, and develop  
7 community/funding resources for respite services.

8           (4) Build local partnerships and collaborations  
9 regarding respite services.

10           Section 6. (a) The Alabama Lifespan Respite Resource  
11 Network shall be designated as the entity to facilitate a  
12 minimum of two meetings per year for the Alabama Lifespan  
13 Respite Coalition and to coordinate activities and initiatives  
14 of the coalition and that the Alabama Lifespan Respite  
15 Coalition shall be the statewide respite coalition referred to  
16 in the Federal Lifespan Respite Care Act of 2006 (PL109-442).  
17 Alabama Respite will work in coordination with the eligible  
18 state agency, as mandated by the act, to develop a Memorandum  
19 of Agreement with the eligible state agency in order to allow  
20 Alabama to compete for federal funding.

21           (b) Should funding be obtained through the act, the  
22 coalition will support Alabama Respite's efforts to actively  
23 develop and continue respite-related services with funds  
24 utilized for the following mandated purposes:

1           (1) Development or enhancement of lifespan respite  
2 programs at state and local levels.

3           (2) Direct respite care services for family  
4 caregivers caring for children or adults.

5           (3) Respite worker and volunteer training and  
6 recruitment.

7           (4) Provision of information to caregivers about  
8 available respite services.

9           (5) Assistance to caregivers in gaining access to  
10 such services.

11           Optional uses of the funds may include:

12           (1) Training programs for Alabama's family  
13 caregivers to assist them in making informed decisions about  
14 respite care services.

15           (2) Other services essential to the provision of  
16 respite care as specified in the proposal process.

17           (3) Training and education for new caregivers.

18           Section 7. This act shall become effective on the  
19 first day of the third month following its passage and  
20 approval by the Governor, or its otherwise becoming law.

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*Ray Ivey*

President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB89

Senate 14-FEB-12

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris  
Secretary

House of Representatives

Passed: 09-MAY-12

By: Senator Ward

APPROVED *May 15, 2012*  
TIME *8:15 am*  
*Robert Bentley*  
GOVERNOR

Alabama Secretary Of State  
Act Num....: 2012-410  
Bill Num...: S-89  
Recv'd 05/16/12 09:05amSLF

NSOR

*Wald*

SPONSORS

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I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 89

years 29 nays 0 abstain

**PATRICK HARRIS,**  
Secretary

I hereby certify that the notice & proof is attached to the Bill, SB \_\_\_\_\_ as required in the General Acts of Alabama, 1975 Act No. 919.

**PATRICK HARRIS,**  
Secretary

**CONFERENCE COMMITTEE**

Senate Conferees

DATE: 2-16 2012

RD 1 RFD

**REPORT OF STANDING COMMITTEE**

This bill having been referred by the House to its standing committee on Health was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed w/amend(s) w/sub.

This 14 day of March, 2012

*[Signature]*, Chairperson

DATE:

3-14

2012

RF

RD 2 CAL

DATE:

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RE-REFERRED

RE-COMMITTED

Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB \_\_\_\_\_

YEAS \_\_\_\_\_ NAYS \_\_\_\_\_

**GREG PAPPAS,**  
Clerk

99/100  
10/100  
10/100