



HOUSE OF REPRESENTATIVES  
FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE  
FIRST REGULAR SESSION, 2004

PUBLIC LAW NO. 14-36  
H. B. No. 14-9, HD1

AN ACT

To establish the Commonwealth Respite Services Program; to designate the CNMI Council on Developmental Disabilities as the program administering authority; and to provide for community respite services programs.

BE IT ENACTED BY THE FOURTEENTH NORTHERN MARIANAS COMMONWEALTH  
LEGISLATURE:

1           **Section 1. Findings.** The Legislature finds that the Commonwealth may have as  
2 many as eight hundred families providing long term care at home to family members with  
3 developmental disabilities, with little or no help available to these families. Supporting the  
4 efforts of families and caregivers to care for individuals at home is efficient, cost-effective,  
5 and humane. Families receiving occasional respite services are less likely to request  
6 admission of an individual to foster care, or other out-of-home care at public expense.  
7 Respite services reduce family and caregiver stress, enhance family and caregiver coping  
8 ability, and strengthen family and caregiver ability to meet the challenging demands of caring  
9 for family members. Respite services reduce the risk of abuse and neglect of children, senior  
10 citizens, and other vulnerable groups. The Legislature therefore finds that coordinated respite  
11 services must be made available locally to provide reliable services when needed by families  
12 and caregivers regardless of where they live in the Commonwealth.

13           **Section 2. Definitions and Scope.** As used in this Act unless the context provides  
14 otherwise:

15                   (a) "Caregiver" means an individual providing ongoing care to one who is  
16 unable to care for oneself.

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(b) "Community respite services program" means a program that:

- (1) is operated by a community-based private nonprofit or for-profit agency or a public agency that provides respite services;
- (2) receives funding through the Commonwealth Respite Services Program established under Section 3 of this Act;
- (3) serves an area in one or more of the three senatorial districts;
- (4) acts as a single local source for respite services information and referral; and
- (5) facilitates access to local respite services.

(c) "Council" means the CNMI Council on Developmental Disabilities.

(d) "Non-categorical care" means care without regard to the age, income, ethnicity, race, nationality, special need or situation, or other status of the individual receiving care.

(e) "Provider" means an individual or agency selected by a family or caregiver to provide respite services to an individual with special needs.

(f) "Respite care" means the provision of short-term relief to primary caregivers from the demands of ongoing care for an individual with special needs.

(g) "Eligible recipients" means the primary caregivers of target dependents. The determination of eligibility for services is based on the needs of the family, with special attention given to the needs of the individual receiving care and the primary caregiver.

(h) "Target dependents" are children with developmental disabilities residing at home, or adults with developmental disabilities who reside with aging parents, children, and older individuals who are medically fragile, have developmental disabilities, dementia, and other conditions and who reside at home of primary caregiver such as adult children, grandchildren, or other care-giving relative.

(i) Respite services include but are not limited to:

- (1) recruiting and screening of paid and unpaid respite care providers.

1 (2) identifying local training resources and organizing training  
2 opportunities for respite care providers.

3 (3) matching families and caregivers with providers and other types of  
4 respite care.

5 (4) providing vouchers, payment, subsidies, loans, grants, and linking  
6 families and caregivers with payment resources.

7 (5) identifying, coordinating, and developing community resources for  
8 respite services.

9 (6) quality assurance and evaluation.

10 (7) assisting families and caregivers to identify respite care needs and  
11 resources.

12 (8) assisting with the development of existing or needed facilities for  
13 respite care services.

14 **Section 3. Commonwealth Respite Services Program; established.**

15 The Council shall establish the Commonwealth Respite Services Program to develop  
16 and encourage statewide coordination of respite services and to work with community-based  
17 private nonprofit or for-profit agencies, public agencies, and interested citizen groups in the  
18 establishment of community lifespan respite services programs. The Commonwealth Respite  
19 Services Program shall:

20 (a) provide policy and program development support, including, but not  
21 limited, to data collection and outcome measures;

22 (b) identify and promote resolution of local and Commonwealth-level policy  
23 concerns;

24 (c) develop and distribute respite services information;

25 (d) promote the exchange of information and coordination among government  
26 agencies, community respite services programs, agencies serving individuals unable  
27 to care for themselves, families, and respite care advocates to encourage efficient  
28 provision of respite services and reduce duplication of efforts;

29 (e) ensure statewide access to community respite services program; and

1 (f) monitor and evaluate implementation of community respite services  
2 programs.

3 **Section 4. Program; administration.** The Council, through the Commonwealth  
4 Respite Services Program, shall coordinate the establishment of community respite services  
5 programs. The program shall accept proposals submitted in the form and manner required by  
6 the program from community-based private nonprofit or for-profit agencies or public  
7 agencies that provide respite services to operate community respite services programs.  
8 According to criteria established by the Council, the Commonwealth Respite Services  
9 Program shall designate and fund agencies described in this section to operate community  
10 respite services programs.

11 **Section 5. Services; requirements.** Respite services made available through the  
12 Commonwealth Respite Services Program shall:

13 (a) include a flexible array of respite care options responsive to family and  
14 caregiver needs and available before families and caregivers are in a crisis.

15 (b) be sensitive to the unique needs, strengths, and cultural values of an  
16 individual, family, or caregiver.

17 (c) offer the most efficient access to an array of coordinated respite services  
18 that are built on existing community support and services.

19 (d) be driven by community strengths, needs, and resources.

20 (e) use a variety of funds and resources, including, but not limited to,  
21 legislative appropriation, Council funding, federal grants, CNMI grants, community  
22 donations, private and volunteer resources, in-kind, community investments, user  
23 fees, and others.

24 **Section 6. Rulemaking Authority.** The Council or its designee is hereby authorized  
25 to and shall adopt and promulgate rules and regulations for the operation and administration  
26 of the Commonwealth Respite Services Program, including but not limited to:

27 (a) criteria, procedures, and timelines for designation of the community-based  
28 private nonprofit or for-profit agencies or public agencies that will receive funding to  
29 provide respite services under community respite services programs;

1 (b) a requirement that each community respite services program publicize the  
2 telephone number and address where families and caregivers may contact the  
3 program;

4 (c) procedures and guidelines for determining priorities, eligibility standards,  
5 eligibility criteria for the selection of caregivers to participate in programs funded  
6 under the Commonwealth Respite Services Program.

7 **Section 7. Authorized Expenditures of Appropriated Funds.** The Commonwealth  
8 Respite Services Program, under the administering authority of the Council, shall use the  
9 funds appropriated to the program for the following purposes:

10 (a) the purposes provided in sections 3 and Section 4 of this Act.

11 (b) costs related to developing provider recruitment and training, information  
12 and referral, outreach, and other components of the provision of respite services.

13 (c) one-time-only startup costs related to the establishment of the community  
14 respite services program.

15 (d) minimum administrative costs for operating the Commonwealth Respite  
16 Services Program.

17 **Section 8. Authorization for Appropriation.** Funding shall be made available  
18 through the annual budget appropriation process.

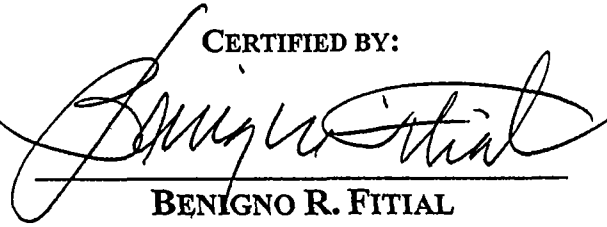
19 **Section 9. Expenditure and Fiscal Authority.** The Council or its designee shall be  
20 the expenditure authority over funds appropriated for the Commonwealth Respite Care  
21 Program. In addition to any other forms of assistance provided under this Act, the Council or  
22 its designee is authorized to set up a voucher program for the sole purpose of acquiring  
23 respite care services for eligible recipients. Administration of the respite voucher program,  
24 including, but not limited to, establishing financial eligibility criteria and limits of vouchers,  
25 shall be established by rules as prescribed by the Council or its designee in conjunction with  
26 the Secretary of Finance. The Council or its designee will act as fiscal intermediary for any  
27 or all funds made available for respite services through a voucher program.


28 **Section 10. Severability.** If any provisions of this Act or the application of any such  
29 provision to any person or circumstance should be held invalid by a court of competent

1 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
2 circumstances other than those to which it is held invalid shall not be affected thereby.

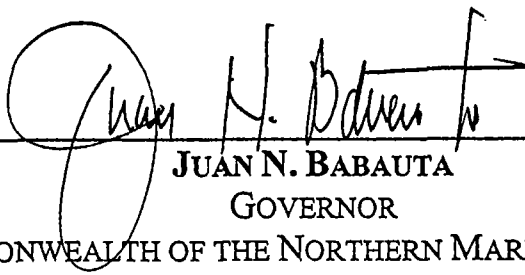
3 **Section 11. Savings Clause.** This Act and any repealer contained herein shall not be  
4 construed as affecting any existing right acquired under contract or acquired under statutes  
5 repealed or under any rule, regulation or order adopted under the statutes. Repealers  
6 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.  
7 The enactment of the Act shall not have the effect of terminating, or in any way modifying,  
8 any liability, civil or criminal, which shall already be in existence on the date this Act  
9 becomes effective.

10 **Section 12. Effective Date.** This Act shall take effect upon its approval by the  
11 Governor or becoming law without such approval.

CERTIFIED BY:  
  
BENIGNO R. FITIAL  
SPEAKER OF THE HOUSE

ATTESTED TO BY:  
  
EVELYN C. FLEMING  
HOUSE CLERK

Approved on this 13<sup>th</sup> day of October, 2004

  
JUAN N. BABAUTA  
GOVERNOR  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS