

# **COLORADO LIFESPAN RESPITE**

## **POLICY AND PROCEDURE MANUAL**



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## SECTION I - INTRODUCTION

### 100.0 Mission

Support families across age and disability spectrums facing caregiving challenges for at risk persons.

### 101.0 VISION

The vision of the Colorado Lifespan Respite:

- A. Strengthen, expand, and enhance respite care services to family members;
- B. Improve statewide dissemination and coordination of respite care;
- C. Provide, supplement, improve access and quality of respite care services to family caregivers thereby reducing family caregiver strain;
- D. Enhance community understanding and education activities about respite; and
- E. Develop and adopt a statewide respite/caregivers support strategic plan.

### 102.0 DEFINITIONS

**“At-risk Adult”** shall be defined as any person who is sixty years of age or older or any person who is eighteen years of age or older and is a person with a disability as defined under “Person with a Disability”.

**“At-risk juvenile”** shall be defined as any person who is under the age of eighteen years and is a person with a disability as defined under “Person with a Disability”.

**“Convicted” and “conviction”** shall be defined as a plea of guilty accepted by the court, including a plea of guilty entered pursuant to a deferred sentence under section 18-1.3-102 C.R.S., a verdict of guilty by a judge or jury, or a plea of no contest accepted by the court.

**“Crime against an at-risk adult or at-risk juvenile”** shall be defined as any offense listed in section 18-6.5-103 or criminal attempt, conspiracy, or solicitation to commit any of those offenses.

**“Fiscal Agent”** shall be defined as an affiliate of a national organization that serves individuals affected by a disability and chronic condition across the life span and is working with the state of Colorado to implement the lifespan respite care program also known as lifespan respite care project to distribute the surcharge funds pursuant to section 18-6.5-107 and Colorado Lifespan Respite Policy and Procedure Manual.

“**Neglect**” shall be defined as the same meaning as set forth in section 26-3.1-101 (4) (b), C.R.S.

“**Person with a Disability**” shall be defined as any person who is impaired because of the loss of or permanent loss of use of a hand or foot or because of blindness or the permanent impairment of vision of both eyes to such a degree as to constitute virtual blindness; or is unable to walk, see, hear, or speak; or is unable to breathe without mechanical assistance; or is developmentally disabled as defined in section 27-10.5-102 (11), C.R.S.; or is a person with a mental illness as the term is defined in section 27-65-102 (14), C.R.S.; or is mentally impaired as the term is defined in section 24-35-301 (2.5) (b) (III), C.R.S.; or is receiving care and treatment for a developmental disability under article 10.5 of title 27, C.R.S.

“**Position of trust**” shall be defined as assuming a responsibility, duty or fiduciary relationship toward an at-risk adult or at-risk juvenile.

“**Respite**” shall be defined as temporary, substitute supports or living arrangements to provide a brief period of rest for caregivers. Respite can be in the form of in-home, adult day, day services, or institutional care and shall last a minimum of three hours.

“**Stakeholder**” shall be defined as a person or group with a direct interest, involvement, or investment in lifespan respite, e.g. consumers, caregivers, and respite providers.

“**State Unit on Aging (SUA)**” shall be defined as the unit in the State, designated to administer the Colorado State Plan on Aging, including Older Americans Act and Older Coloradans Act programs, and the crimes against at-risk person surcharge fund. In Colorado, this agency is within the Colorado Department of Human Services, Division of Aging and Adult Services.

“**Target Population**” shall be defined as caregivers for at-risk juveniles and at-risk adults.

## SECTION II --- COLORADO LIFESPAN RESPITE PROGRAM

### 200.0 DESIGNATION

The State Unit on Aging (SUA) shall designate the fiscal agent. The fiscal agent shall be an affiliate of a national organization that serves individuals affected by a disability and chronic condition across the lifespan and is working with the state of Colorado to implement the lifespan respite care program subject to annual appropriation by the general assembly. Surcharge Funds are collected through the clerk of the court for the judicial district and 95% of the surcharge funds are transferred to the SUA to distribute to the Fiscal Agent for disbursement.

- A. The fiscal agent shall award moneys to respite programs selected by a statewide coalition of nonprofit or not-for-profit organizations that focus on the needs of caregivers of at-risk adults or at-risk juveniles:
  - 1. The respite programs selected to receive moneys from the surcharge fund shall meet the following guidelines:
    - a. Follow the designated request for grant proposal procedures in applying for an award of moneys from the fund by the Fiscal Agent; and
    - b. Provide data and reports as outlined in the request for grant proposal; and
    - c. Meet performance standards as defined by the SUA and Fiscal Agent; and
    - d. Provide respite services that allow a caregiver to have a break from caregiving; and
    - e. Have a signed agreement and protocol with fiscal agent; and
    - f. Conduct a fingerprint-based criminal history record check of staff and providers prior to providing service.
- B. The fiscal agent shall report to the State Unit on Aging (SUA) on a regular basis in a format specified by the SUA. The report shall include:
  - 1. A list of all programs that received moneys from the fund in the preceding fiscal year; and

2. A description of how each program that received moneys from the fund in the preceding fiscal year used those moneys; and
  3. Documentation demonstrating that each program that received moneys from the fund in preceding fiscal year satisfied all of the criteria.
- C. The fiscal agent may use up to fifteen (15) percent of the moneys received for education and training activities.
- D. The fiscal agent may use up to twelve (12%) of the moneys to facilitate the coordination of programs that provide respite services for caregivers of at-risk adults or at-risk juveniles.

### **201.0 RESPITE GRANTEE REQUIREMENTS**

- A. No agency submitting a grant application shall have a representative on the review committee;
- B. Grant funds shall allow caregivers the opportunity to leave the site where care is provided;
- C. Grant funds shall not be used to provide food;
- D. Grant funds shall be used for current services and may fund a maximum of 50% of respite program;
- E. Prioritization shall be given to families/caregivers with no other means of respite options;
- F. Grant funds shall be used for Colorado residents only; and
- G. If a grantee does not meet the contract requirements, the grantee shall be ineligible to apply for future funding opportunities until determined by the review committee.

### **202 BACKGROUND CHECKS**

- A. To improve the safety of at-risk persons served the fiscal agent shall ensure criminal fingerprint background checks are conducted on employees, volunteers, and providers of respite services under the grant funds utilize the following steps.
- B. Prior to the delivery of services, a fingerprint records check through the Colorado Bureau of Investigation (CBI) or another background check system that provides information at the same level of detail or higher than the Colorado Bureau of

Investigation (CBI) records check, shall be conducted for all employees, volunteers, and contractors providing respite services delivered under the grant funds.

- C. If an employee, volunteer, or contractor has resided in Colorado for less than two years, a fingerprint background check similar to the Colorado Bureau of Investigation (CBI) records check shall be completed in the state in which the individual previously resided in addition to the records check through the Colorado Bureau of Investigation (CBI).
- D. When the records check indicates a current employee, potential employee, volunteer, or contractor has been arrested for any offense indicated at Colorado Revised Statutes (CRS) Section 27-90-110 and Section 27-90-111, the employer shall follow-up with the jurisdiction in which the offense occurred to identify whether the individual was convicted of the offense.
  - 1. If a potential employee, volunteer, or contractor, or contractor's employee has been convicted of any offense listed at Section 27-90-111-(9)(b) CRS as amended, or other similar offenses as identified by the Fiscal Agent, that individual shall be disqualified.
  - 2. If a potential employee, volunteer, contractor, or contractor's employee has been convicted of any offense listed at Section 27-90-111 (9)(c ) C.R.S. (as amended), or other offenses as identified by the Fiscal Agent, that individual shall be disqualified if less than ten years has passed since the final discharge of all terms of the sentence imposed as a result of the conviction.
- E. Employees, volunteers, or contractors responsible for transporting consumers shall possess a valid Colorado driver's license, and shall not have had any alcohol/substance related offenses in the past three years, or two or more convictions or chargeable accidents within the past two years.
- F. After a record check has been completed for an employee, volunteer, or contractor, future record checks shall not be required for that individual unless otherwise determined by the respite provider agency.

### **203.0 FUNDING & FISCAL REIMBURSEMENT**

- A. Funding
  - 1. Each person who is convicted of a crime against an at-risk adult or at-risk juvenile or who is convicted of identity theft pursuant to section 18-5-902, when the victim is an at-risk adult or at-risk juvenile, shall be required to

pay a surcharge to the clerk of the court for the judicial district in which the conviction occurs.

2. Funding provided by the surcharge to the SUA for respite services shall be contingent upon the availability of funds and acceptable performance by the Fiscal Agent as determined by the SUA.
3. If available, the Fiscal Agent shall request funding at a time and in a format designated by the SUA.
  - a. Requests for SUA funding shall include information regarding the proposed use of all funds in a report format approved by the SUA.
4. Approval by the SUA shall follow the requirements of all State reimbursement policies and shall not exceed a 12 month period.
5. Funding shall be allocated by the SUA to the Fiscal Agent for cost reimbursement.

**B. Fiscal Reimbursement**

1. The Fiscal Agent shall submit requests for reimbursement for allowable expenses in a format and time period approved by the SUA. The request shall be based on actual costs incurred.
2. Allocated funds shall be expended by the Fiscal Agent by the end of the award period unless an extension has been requested by the Operating Organization and approval as been granted by the SUA.

**C. The Fiscal Agent shall follow generally accepted accounting practices and comply with all rules and regulations for accounting practices set forth by the State.**

1. In addition, the Fiscal Agent shall assure the following:
  - a. Funds allocated by the SUA are used solely for authorized purposes;
  - b. Financial documents are filed in a systematic manner to facilitate audits; and
  - c. Financial records and source documents are made available to the SUA, its representative, or an independent auditor for inspection or audit.

2. Reports not containing identifying consumer information are open records and prior consent is not required from the consumer in order to disseminate.
- D. Consumer records shall be retained by the Fiscal Agent for a minimum of five (5) years.

#### **205.0 DATA COLLECTION REQUIREMENTS**

- A. Respite data shall be collected and maintained in the format approved by the SUA and may be used to monitor program administration, compliance, and to evaluate the effectiveness of the Colorado Lifespan Respite program.
- B. At the end of each reporting period, state mandated performance reports shall be submitted by the Fiscal Agent in a format specified by the SUA.
1. Reporting periods shall be semi-annual.
  2. State mandated reports shall be submitted by the Fiscal Agent to the SUA by the 15<sup>th</sup> of the month following the end of the grant cycle, or the first working day following the 15<sup>th</sup> if it falls on a holiday or weekend.
  3. Failure by the Fiscal Agent to meet SUA requirements to provide accurate and timely reports may be subject to corrective action, including:
    - a. Suspension of reimbursement payments; or,
    - b. Suspension or Termination of designation as the Fiscal Agent by the SUA.

#### **206.0 OUTREACH, MARKETING, AND EDUCATION**

- A. The Fiscal Agent shall conduct outreach, marketing, and educational activities throughout the State of Colorado in order to advance awareness of the Colorado Lifespan Respite.
1. Activities may include, but are not limited to, written materials, public and private presentations, participation in public events, and media advertisement.
  2. Educational activities shall be documented and evaluated for effectiveness.
  3. Provide training to respite agencies or individuals to care and support at risk- juveniles and at-risk adults.

## 207.0 TARGET POPULATION

- A. The Fiscal Agent shall ensure service to individuals who meet the following criteria:
1. Caregivers of at-risk adults; and
  2. Caregivers of at-risk juveniles.