

TITLE 404 COMMUNITY-BASED SERVICES FOR INDIVIDUALS WITH  
DEVELOPMENTAL DISABILITIES

CHAPTER 8 RESPITE SERVICES

8-001 Respite Services: Respite is defined as intermittent, temporary relief to the usual non-paid caregiver from the continuous support and/or care of the individual. Respite components are supervision, tasks related to the individual's physical and psychological needs, and social/recreational activities and are documented in the IPP.

The term "usual non-paid caregiver" means a person who resides with the individual, is not paid to provide services, and is responsible on a 24-hour per day basis for the care and supervision of the individual.

8-002 Eligibility for Respite Services: For services governed by this chapter, the individual must be eligible for funding for DD services.

8-002.01 Eligibility for Respite Services for Adults:

1. To be eligible to receive respite, an adult must live with a non-paid caregiver. When the caregiver is paid to deliver services, respite is not available.
2. Only specialized DD providers may deliver adult respite services to individuals.

8-002.02 Eligibility for Children's Respite Services:

1. To be eligible to receive respite, a child must live with a non-paid caregiver. When the caregiver is paid to deliver services, respite is not available.
2. Specialized DD providers may deliver children's respite services.
3. Children living in their family home may also receive respite services from a non-specialized provider. See 404 NAC 10.

8-003 Funding for Respite: The Department will authorize respite from one program source only. The authorized amount of respite is not determined using the objective assessment process. Individuals may be authorized for up to 30 days of respite services per state fiscal year.

8-003.01 Conditions for Authorization: Respite funding for 720 hours or 30 days per state fiscal year is available under the following conditions:

1. An individual must be determined eligible for DD services;
2. An individual lives with his/her family or unpaid caregiver;

3. An individual must be receiving DDD Service Coordination; and
4. The need for respite is documented in the person's IPP/IFSP/ASP.

8-003.02 Limitations: Respite funding is not available when the usual caregiver is employed or attending classes. Respite does not take the place of special education, childcare, or adult day care. Respite cannot be provided by members of the individual's immediate household.

8-004 Providers of Respite Services: The provider must develop and implement written policies and procedures for providing respite services when the provider chooses to provide respite services.

8-004.01 Certified Providers: Certified providers of specialized services may provide respite services. If the certified provider chooses to provide respite services, this must be identified on the certification application.

8-004.02 The provider may deliver respite services in the individual's home or in another location.

8-004.03 The provider must meet provider standards in 404 NAC 4 except for habilitation (404 NAC 4-005.01). When respite services are provided in a DD provider-managed location, the provider must be certified under 404 NAC 6.

8-004.04 Respite services are not available for the specialized DD provider.

8-004.05 The provider must ensure documentation in the IPP of the plan for the provision of respite services including the amount of respite time needed for the individual served.

8-004.06 Respite services do not require the provision of habilitation; however, the provider must ensure that the individual's needs are met and that intervention techniques and/or supports are consistent with those delivered as habilitation.

8-004.07 The provider must implement the services and supervision identified on the IPP/IFSP during the respite period.

8-004.08 The provider must ensure that individuals who are receiving respite services in a DD provider-managed location do not utilize the bed or other personal items of an individual who resides at this location.

8-004.09 Non-Specialized Providers: See chapter 10 for standards for non-specialized providers for children's respite services.

8-005 AUTHORIZATION: The following applies to the authorization for the provision of respite services:

1. A unit is an hour when less than 8 hours are provided in a calendar day;
2. A unit is a day if eight or more hours are provided in a calendar day;

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DD SERVICES  
404 NAC 8

3. Respite cannot exceed 30 days per waiver year (waiver year begins with the month the individual begins receiving waiver services);
4. Unused respite hours/days are not carried over into the next year;
5. Respite cannot be authorized when a household member is paid to deliver services to the child who is receiving waiver services; and
6. Respite funding is available from one Department program source only.