

Respite

Page posted: 10/1/03	Page reviewed: 1/9/23	Page updated: 1/1/24
Legal authority	Federally approved BI, CAC, CADI, DD and EW waiver plans, Minn. Stat. §256B.0913, Minn. Stat. §245D.03	
Definitions	<p>Respite: Short-term care services provided to a person when their primary caregiver is absent or needs relief.</p> <p>Primary caregiver(s): Person or people principally responsible for the care and supervision of the person who receives services.</p> <p>In-home respite: Respite provided to a person in their home. This can include time spent in community locations used by the general public (e.g., malls, parks, libraries) while the person continues to stay in their home.</p> <p>Out-of-home respite: Respite provided to a person in a licensed setting or unlicensed setting that is not the person's home. This can include time spent in community locations used by the general public (e.g., malls, parks, libraries) while the person stays in a licensed or unlicensed setting that is not their home.</p> <p>Relative: For the purposes of this page, a relative is one of the following people who is related by blood, marriage or adoption:</p> <ul style="list-style-type: none"> • Sibling • Niece or nephew • Grandparent • Aunt or uncle. 	
Eligibility	<p>A person is eligible to receive respite if their primary caregiver(s) are absent or need relief from caregiver duties. Refer to the primary caregiver(s) section for additional information.</p> <p>A person is not eligible to receive respite when they receive any of the services listed in the non-covered services section.</p>	
Primary caregiver(s)	<p>Alternative Care (AC) and Elderly Waiver (EW)</p> <p>Under AC and EW, the primary caregiver(s) must be principally responsible for the care and supervision of the person who receives services and either:</p> <ul style="list-style-type: none"> • Not be paid at all. • Be paid only for a portion of the time they provide care/supervision to the person. <p>The primary caregiver(s) do not need to live in the same house as the person who receives services.</p> <p>Brain Injury (BI), Community Alternative Care (CAC), Community Access for Disability Inclusion (CADI) and Developmental Disabilities (DD) waivers</p> <p>Under BI, CAC, CADI and DD, the primary caregiver(s) must:</p> <ul style="list-style-type: none"> • Be principally responsible for the care and supervision of the person who receives services. • Maintain their primary residence at the same address as the person. • Own or lease the primary residence. 	
Covered services	<p>Respite covers:</p> <ul style="list-style-type: none"> • Level of supervision and care that is necessary to ensure the person's health and safety. • Room and board when the person receives respite in a licensed setting. 	
Non-covered services	<p>Not covered within the service</p> <p>Respite does not cover:</p>	

	<ul style="list-style-type: none"> • Services that are directed specifically toward the training and habilitation of the person. • Room and board when the person receives respite in their home or an unlicensed setting. • Remote support when the person receives out-of-home respite or respite in community settings that are not the person's home. <p>Under the DD Waiver, respite does not cover a person's short-term admission to a nursing facility.</p> <p>Services that cannot be authorized with respite</p> <p>Respite does not cover services for a person who receives the following services (unless there is a community emergency or disaster; refer to the community emergency or disaster section for more information):</p> <ul style="list-style-type: none"> • Adult foster care (EW). • Community residential services (BI, CAC, CADI, DD). • Customized living (BI, CADI, EW). • Family residential services using shift staffing (BI, CAC, CADI, DD). • Integrated community supports (ICS) (BI, CAC, CADI, DD).
Remote support	<p>Respite – in-home 15-minute units can be delivered through remote support when the person receives respite in their home. Services delivered through remote support must meet all the requirements listed on CBSM – Remote support.</p>
Secondary information	<p>Services under all waiver/AC programs must meet the requirements listed on the services section of CBSM – Waiver and Alternative Care programs overview</p> <p>DD Waiver only</p> <p>If a person chooses to have parent(s) or unpaid caregiver(s) provide habilitation, the lead agency must:</p> <ul style="list-style-type: none"> • Ensure the person's assessment supports the need for respite or homemaker services to free up the caregiver(s) to provide habilitation. • Document in the support plan how the person's habilitation needs are being met. • Authorize respite or homemaker services on the person's service agreement. <p>Respite is not a habilitation service. For more information, refer to CBSM – Habilitation.</p>
Settings	<p>Respite can be provided in a person's own home, family home or in settings as outlined in the provider standards and qualifications section.</p>
Community emergency or disaster	<p>If a community emergency or disaster requires the person to relocate from a current residence, a licensed and qualified respite provider may provide out-of-home respite for the primary caregiver(s). The primary caregiver(s):</p> <ul style="list-style-type: none"> • May or may not reside at the same address as the person. • May be paid or unpaid. <p>DHS must approve the request as a necessary expenditure related to the community emergency or disaster. DHS also may:</p> <ul style="list-style-type: none"> • Waive other service limitations, as needed, to ensure DHS reimburses necessary expenditures related to protecting the person's health and safety. • Approve unlicensed providers to provide respite services on a short-term, temporary basis. <p>Process</p> <p>When a community emergency or disaster affects Minnesota, DHS works</p>

	<p>closely with the State Emergency Operations Center (SEOC) to monitor the situation. As part of DHS' emergency preparedness activities, protocols are in place to ensure each DHS business area is in communication with lead agencies and providers who may be affected by a disaster.</p> <p>AC and EW</p> <p>If there is a need to relocate a person on AC or EW to ensure their health and safety due to a community emergency or disaster, the provider or lead agency should contact the DHS Aging and Adult Services Division at dhs.aasd.hcbs@state.mn.us to request approval for related expenditures.</p> <p>BI, CAC, CADI and DD</p> <p>If there is a need to relocate a person on BI, CAC, CADI or DD to ensure their health and safety due to a community emergency or disaster, the provider or lead agency should contact the applicable DHS Disability Services Division regional resource specialist (RRS) for information about:</p> <ul style="list-style-type: none"> • Funding available to reimburse eligible costs associated with the person's relocation. • Whom to contact at DHS for additional disaster-related assistance.
<p>Provider standards and qualifications</p>	<p>Respite is a DHS enrollment-required service. For more information, refer to CBSM – Waiver/AC service provider overview.</p> <p>In-home respite</p> <p>Unless excluded, an in-home respite provider must meet one of the following requirements to serve people in their home or place of residence:</p> <ul style="list-style-type: none"> • Have a license under Minn. Stat. Ch. 245D as a basic support service provider. • Have a license under Minn. Stat. Ch. 144A with a home and community based services designation. <p>Out-of-home respite</p> <p>The following sections explain the age, setting license and service license requirements for out-of-home respite.</p> <p>Hospital</p> <p>A person can receive out-of-home respite in a hospital when all the following requirements are met:</p> <ul style="list-style-type: none"> • Age: Provided to adults or children on AC, BI, CAC, CADI, DD and EW. • Setting license: Medicare-certified and licensed under Minn. Stat. §144.50 to 144.591. • Service license: Excluded from 245D licensing. <p>Nursing facility</p> <p>A person can receive out-of-home respite in a nursing facility when all the following requirements are met:</p> <ul style="list-style-type: none"> • Age: Provided to adults or children on AC, BI, CAC, CADI and EW. • Setting license: Medicare-certified, licensed in accordance with Minn. Stat. Ch. 144A and defined under Minn. R. 9505.0175, subp. 23. • Service license: Excluded from 245D licensing. <p>Residential hospice facility</p> <p>A person can receive out-of-home respite in a residential hospice facility when all the following requirements are met:</p> <ul style="list-style-type: none"> • Age: Provided to hospice patients age 21 or younger on BI, CAC, CADI and DD. • Setting license: Defined under Minn. Stat. §144A.75, subd. 13(a)(1). • Service license: Excluded from 245D licensing.

A residential hospice facility cannot serve more than eight people.

Assisted living facility

A person can receive out-of-home respite in an assisted living facility when all the following requirements are met:

- Age: Provided to adults age 65 and older on AC and EW.
- Setting license: Licensed under [Minn. Stat. Ch. 144G](#).
- Service license: Excluded from 245D licensing.

Adult family foster care

A person can receive out-of-home respite in an adult family foster care setting when all the following requirements are met:

- Age: Provided to adults age 18 and older on BI, CAC, CADI, DD and EW.
- Setting license: Licensed under [Minn. R. 9555.5105 – 9555.6265](#).
- Service license: Licensed under [Minn. Stat. Ch. 245D](#) or [Minn. Stat. Ch. 245A](#) (EW only).

For BI, CAC, CADI and DD, an adult family foster care setting cannot serve more than four people, including the people who receive respite. To serve more than four people, the license holder may request a permanent fifth bed license or a temporary fifth bed variance. For more information, refer to [CBSM – Changes to size of setting by waiver service](#).

For EW, adult foster care providers may be licensed to serve up to five adults per home if all people who receive foster care are age 55 or older and do not have a serious and persistent mental illness or a developmental disability.

Community residential setting

A person can receive out-of-home respite in a community residential setting when all the following requirements are met:

- Age: Provided to adults age 18 and older on AC, BI, CAC, CADI, DD and EW.
- Setting license: Licensed under [Minn. Stat. §245D.23 to §245D.26](#).
- Service license: Licensed under [Minn. Stat. Ch. 245D](#).

A community residential setting cannot serve more than four people, including the people who receive respite. To serve more than four people, the license holder may request a permanent fifth bed license or a temporary fifth bed variance. For more information, refer to [CBSM – Changes to size of setting by waiver service](#).

Child foster care (family or corporate/shift staff)

A person can receive out-of-home respite in a child foster care setting when all the following requirements are met:

- Age: Provided to children younger than age 18 on BI, CAC, CADI and DD.
- Setting license: Licensed under [Minn. R. 2960.3000 to 2960.3340](#).
- Service license: Licensed under [Minn. Stat. Ch. 245D](#).

Intermediate care facility for persons with developmental disabilities (ICF/DD)

A person can receive out-of-home respite in an ICF/DD when all the following requirements are met:

- Age: Provided to adults and children on DD.
- Setting license: Medicare certified by Minnesota Department of Health (MDH) and be licensed as a Class A or Class B [Supervised Living Facility](#) (refer to [MHCP Provider Manual – ICF/DD – Eligible providers](#)).

- Service license: Licensed under [Minn. Stat. Ch. 245D](#). Respite must be provided in a distinct, separate space that is not currently certified as part of the ICF/DD, per [State Operations Manual, section 2134 \(PDF\)](#).

For each shift, ICF/DD staff must be assigned to either respite or ICF/DD services. Staff cannot provide both respite and ICF/DD services during a single shift. Providers must ensure respite services are operating in ways that do not interfere with the care for people who live in the ICF/DD.

Camp

A person can receive out-of-home respite in a camp when all the following requirements are met:

- Age: Provided to adults and children on AC, BI, CAC, CADI, DD and EW.
- Setting license: Certified by the [American Camp Association](#).
- Service license: Licensed under [Minn. Stat. Ch. 245D](#).

Unlicensed setting for adults

An adult can receive out-of-home respite in an unlicensed setting when all the following requirements are met:

- Age: Provided to adults age 18 or older on AC, BI, CAC, CADI, DD and EW.
- Setting requirement: The case manager has determined the setting will meet the assessed needs of the person and documents the assessment in the person's support plan.

Note: If the person is on BI, CAC, CADI or DD, the lead agency must use [HCBS Safety Checklist for Out-of-Home Respite Services in an Unlicensed Setting, DHS-7759E \(PDF\)](#).

- Service license: Licensed under 245D, unless the provider meets the requirements on [CBSM – Exclusions from Chapter 245D licensure](#).

Note: Providers who meet the exclusion may be related or unrelated. Refer to [CBSM – Exclusions from Chapter 245D licensure](#) for information about related and unrelated providers.

Respite providers in unlicensed settings for adults age 18 or older are limited to serving a maximum of six people.

Unlicensed setting for children

A child can receive out-of-home respite in an unlicensed setting when provided by a **relative** and all the following requirements are met:

- Age: Provided to children younger than age 18 on BI, CAC, CADI and DD.
- Setting requirement: The case manager has determined the relative's setting will meet the assessed needs of the person.
- Service license: Licensed under 245D, unless the provider meets the requirements on [CBSM – Exclusions from Chapter 245D licensure](#).

Note: Providers who meet the exclusion must be related. Refer to [CBSM – Exclusions from Chapter 245D licensure](#) for information about related providers.

245D exclusion

In some cases, a person who receives in-home respite or out-of-home respite in an unlicensed setting can use an individual provider who meets the requirements for exclusion from 245D licensure. For more information, refer to [CBSM – Exclusions from Chapter 245D licensure](#).

Reporting

	<p>Providers licensed under 245D must report all uses of controlled procedures, emergency use of manual restraint and prohibited procedures according to Minn. Stat. §245D.06, subd. 5 to DHS via the Behavioral Intervention Report Form, DHS-5148.</p>
Service amount	<p>Out-of-home 24-hour respite is limited to a maximum of 30 consecutive days per respite occurrence. The length of the person's stay must be documented in the support plan.</p>
Authorization, rates and billing	<p>The following sections include program-specific authorization, rate and billing information for respite.</p> <p>AC and EW</p> <p>Under AC and EW, the lead agency authorizes respite at the state-established rate. The lead agency uses the daily rate when respite is provided for 12 or more hours or overnight. Otherwise, the lead agency uses the 15-minute rate. For more information, refer to Long-Term Services and Supports (LTSS) Service Rate Limits, DHS-3945 (PDF).</p> <p>BI, CAC, CADI and DD</p> <p>15-minute units</p> <p>Under BI, CAC, CADI and DD, 15-minute respite is a market rate service. For more information, refer to CBSM – Market rate services and Long-Term Services and Supports (LTSS) Service Rate Limits, DHS-3945 (PDF).</p> <p>Daily units</p> <p>Under BI, CAC, CADI and DD, daily respite is a market rate service. The lead agency must use a daily rate when respite is provided for 10 or more hours per day. For more information, refer to CBSM – Market rate services and Long-Term Services and Supports (LTSS) Service Rate Limits, DHS-3945 (PDF).</p>
Additional resources	<p>CBSM – Changes to size of setting by waiver service</p> <p>CBSM – Exclusions from Chapter 245D licensure</p> <p>CBSM – Habilitation</p> <p>CBSM – Market rate services</p> <p>CBSM – Rate methodologies for AC, ECS and EW service authorization</p> <p>CBSM – Remote support</p> <p>CBSM – Waiver, AC and ECS general process and procedures</p> <p>CBSM – Waiver/AC programs overview</p> <p>CBSM – Waiver/AC service provider overview</p> <p>HCBS Safety Checklist for Out-of-Home Respite Services in an Unlicensed Setting, DHS-7759E (PDF)</p> <p>RMS User Manual</p>