**R539. Health and Human Services, Services for People with Disabilities.**

**R539-10. Short-Term, Limited Services for the Waiting List.**

**R539-10-1. Authority and Purpose.**

(1) Subsections 26B-6-402(7), 26B-6-403(2)(b), 26B-6-403(2)(l), and 26B-6-403(2)(q) authorize this rule.

(2) This rule establishes a procedure and standard to determine eligibility for a person on the waiting list to receive a short-term, limited service from the division.

**R539-10-2. Definitions.**

Terms used in this rule are defined in Section 26B-6-401 and Rule R539-13. Additionally:

(1) "Active status" means a person has a current Need Assessment Questionnaire score and is on the division's waiting list.

(2) "Respite" means a service provided in a person's residence or other approved community-based setting, designed to give relief to or for use during the temporary absence of a person's primary caregiver.

(3) "Service brokering" means a community support that facilitates a person's and family's education and direction to community resources that are outside the scope of services paid for by the Department of Health and Human Services or the division.

**R539-10-3. Eligibility.**

A person is eligible for a short-term, limited service if the person:

(1) does not receive an ongoing service through the division; and

(2) is on the division's waiting list.

**R539-10-4. Limitations.**

(1) Any public funds granted by the division shall be used by the person during the fiscal year in which the public funds are granted.

(a) Any public funds not used by the person shall return to the division.

(b) The division may reallocate any unused public funds to any other eligible person.

(2) The division may withdraw or reduce public funds at any time. The establishment of a person's budget does not constitute an obligation for the division to provide a service or public funds.

**R539-10-5. Selection for Short-Term Limited Respite Care Services.**

(1) The division determines if public funds are available to provide a short-term, limited respite service for an eligible person.

(2) Except as described in Subsections (2)(d) and (3), the division shall use the method described in Subsections (2)(a) through (2)(c) to select a person on the waiting list who indicates a need for a respite service.

(a) The division shall identify each person who did not receive a short-term, limited respite service during the previous fiscal year.

(b) The division shall use random selection to offer a short-term, limited respite service to a person identified in Subsection (2)(a) until the public funds are allocated.

(c) If the division is unable to allocate the total amount of public funds to a person identified in Subsection (2)(a), then the division shall use random selection to offer a short-term, limited respite service to any other person on the waiting list who indicates a need for a respite service.

(d) The division may offer a short-term, limited respite service to a sibling of a selected person even if the sibling is not selected through the process described in Subsections (2)(a) through (c).

(3) The division Emergency Services Management Committee (ESMC) may select an eligible person to receive a short-term, limited respite service if the ESMC determines that the service is appropriate to address the person's emergency circumstance.

**R539-10-6. Short-Term Limited Respite Care Provider Options.**

(1) A short-term, limited respite service may be provided through:

(a) the self-administered services method;

(b) the provider agency service delivery method; or

(c) a combination of both methods.

(2) If the person chooses the self-administered services method to provide the short-term, limited respite service, the person shall:

(a) select a fiscal agent to make any payment to an employee; and

(b) adhere to each requirement described in Rule R539-5.

**R539-10-7. Short-Term Limited Service Brokering Services.**

(1) The division shall determine if public funds are available to provide short-term, limited service brokering to an eligible person.

(2)(a) The division shall select a person to receive short-term, limited service brokering based on need.

(b) The division shall use information supplied by the person to determine need.

**KEY: waiting lists, family preservation, respite, service brokering**

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**Authorizing, and Implemented or Interpreted Law: 26B-6-402(7); 26B-6-403(2)(b); 26B-6-403(2)(l); 26B-6-403(2)(q)**