

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2106** Session of  
1989

INTRODUCED BY SAURMAN, NAHILL, FOX, HERMAN, E. Z. TAYLOR, PESCI,  
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REBER, J. H. CLARK, MAIALE, HOWLETT, ITKIN AND KOSINSKI,  
NOVEMBER 15, 1989

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, NOVEMBER 15, 1989

AN ACT

1 Providing for services for disabled persons and their families.

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Disabilities  
6 Support Services Act.

7 Section 2. Legislative findings and intent.

8 (a) Findings.--The General Assembly makes the following  
9 findings:

10 (1) Service providers who work with persons with  
11 disabilities should design and adopt programs that are  
12 responsive to the needs of the individual and his or her  
13 family, rather than fit the person with disabilities to  
14 existing programs.

15 (2) It is more cost effective to provide services to  
16 persons with disabilities in their own homes or with their

1 parents or legal guardians rather than in out-of-home  
2 placements.

3 (3) A person with a disability, or the person's family,  
4 or both, should determine which services will best address  
5 their needs.

6 (b) Intent.--It is the intent of the General Assembly that  
7 the Commonwealth develop a program for persons with disabilities  
8 or their families which enables them to choose the services that  
9 will provide the greatest opportunity for a person with a  
10 disability to develop to his or her fullest potential.

#### 11 Section 3. Definitions.

12 The following words and phrases when used in this act shall  
13 have the meanings given to them in this section unless the  
14 context clearly indicates otherwise:

15 "Department." The Department of Public Welfare of the  
16 Commonwealth.

17 "Disability." A severe, chronic condition of a person which  
18 is attributable to a mental or physical impairment or a  
19 combination of mental and physical impairment; is manifested  
20 before 60 years of age; and is likely to continue indefinitely.

21 "Family." A person with a disability and his or her parent  
22 or legal guardian.

23 "Person." Includes a child or an adult.

#### 24 Section 4. Powers and duties of Commonwealth.

25 (a) Duty to administer grant distributions.--The department  
26 shall develop a program for persons with disabilities or  
27 families through grants to county mental health and mental  
28 retardation programs to provide for the following:

29 (1) Subsidies or purchase vouchers for eligible persons  
30 with disabilities or families to offset the costs of services

1 and equipment necessary for caring for a person with  
2 disabilities.

3 (2) A system for persons with disabilities or families  
4 to acquire supports and services that will enable a person  
5 with a disability to live in the residence of his or her  
6 choice.

7 (b) Power to establish regulations.--The department shall  
8 make and enforce regulations necessary and appropriate to  
9 accomplish the purposes of this act.

10 (c) Duty to establish adjustable payment schedule.--The  
11 department shall establish a client or family liability schedule  
12 which will provide an adjustable payment schedule based on an  
13 individual's or family's ability to pay.

14 (d) Duty to establish grievance settlement procedures.--The  
15 department shall establish fair procedures for the resolution of  
16 grievances from persons with disabilities or their families.

17 Section 5. Responsibilities of counties.

18 (a) Duty to establish family support programs.--County  
19 mental health and mental retardation programs shall establish a  
20 disability support subsidy program that meets the standards and  
21 legislative intent of this act.

22 (b) Duty to hire counselors.--The county shall hire  
23 sufficient staff to provide families of persons with  
24 disabilities with assistance in identifying and choosing  
25 appropriate support services.

26 (c) Duty to establish family advisory board.--The county  
27 shall establish a family advisory board or boards to advise  
28 local authorities on county plans, service evaluations and  
29 approval of other services not specifically listed in this act.

30 A board shall be subject to the following conditions:

1 (1) A family advisory board shall not serve a geographic  
2 area that represents more than 150,000 residents.

3 (2) There shall be a representative regional family  
4 advisory board with representation from each family advisory  
5 board in the county program in counties with more than one  
6 family advisory board.

7 (3) The regional family advisory board and family  
8 advisory boards shall each be composed of 11 members. There  
9 shall be three professional members and eight family members  
10 or disabled persons. The family members and disabled persons  
11 shall, to the extent possible, represent all disabilities.

12 (4) The family advisory boards shall advise county  
13 administrators on approval of other services not specifically  
14 listed in this act, county plans and evaluations of family  
15 support services.

16 (d) Duty to make certain services available.--Counties shall  
17 assure the availability of the following services to families or  
18 persons with disabilities:

19 (1) Respite care.

20 (2) Recreation.

21 (3) Homemaker services.

22 (4) Transportation.

23 (5) Personal assistance or attendant care.

24 (6) Home health services.

25 (7) Counseling services.

26 (8) Communication services.

27 (9) Crisis intervention.

28 (10) Vocational and employment support.

29 (11) Specialized diagnostic and evaluation services.

30 (12) Other services approved by the county program, as

1       advised by the appropriate family advisory committee.

2       (e) Duty to evaluate program effectiveness.--Counties and  
3 the family advisory committee shall evaluate the effectiveness  
4 of the family support services. The evaluation shall include a  
5 survey of persons with disabilities and families to determine  
6 their satisfaction with the program and any recommendations for  
7 improvement.

8       (f) Duty to develop annual plan.--Counties shall develop an  
9 annual plan for family support services which shall include the  
10 following:

11           (1) An estimate of the number of persons with  
12 disabilities in the county.

13           (2) An estimate of the need for support services for  
14 persons with disabilities and their families.

15           (3) A review of the current budget for services for  
16 persons with disabilities and a proposal to convert a portion  
17 of those services from a service delivery model to a family  
18 or individual purchase model.

19           (4) A proposal for unmet needs, if any.

20       (g) Duty to involve family in plan development.--The county  
21 shall develop annual plans with full participation of persons  
22 with disabilities or their families.

23       (h) Duty to submit plan to department.--The county shall  
24 submit annual plans and evaluations to the department.

25       (i) Limiting access to services in geographical area  
26 prohibited.--County programs shall not limit families to  
27 purchasing services in a restricted geographic area.

28 Section 6. Support subsidy payments not alienable.

29       Support subsidy payments shall not be alienable by  
30 assignment, sale, garnishment, execution or otherwise, and, in

1 the event of bankruptcy, shall not pass to or through any person  
2 acting on behalf of creditors.

3 Section 7. Appropriation.

4 The sum of \$10,000,000, or as much thereof as may be  
5 necessary, is hereby appropriated to the Department of Public  
6 Welfare for the purposes of this act. These funds shall not  
7 replace or supplant existing Federal or State funds for persons  
8 with disabilities or their families.

9 Section 8. Effective date.

10 This act shall take effect July 1, 1990.