

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2106

Session of
1989

INTRODUCED BY SAURMAN, NAHILL, FOX, HERMAN, E. Z. TAYLOR, PESCI,
CORNELL, MORRIS, DeLUCA, BLACK, O'BRIEN, MELIO, LASHINGER,
FAIRCHILD, TANGRETTI, BOYES, BUSH, HAGARTY, SCHULER, ADOLPH,
REBER, J. H. CLARK, MAIALE, HOWLETT, ITKIN, KOSINSKI AND
LINTON, NOVEMBER 15, 1989

AS REPORTED FROM COMMITTEE ON HEALTH AND WELFARE, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 26, 1990

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

persons with disabilities in their own homes or with their parents or legal guardians rather than in out-of-home placements.

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

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

Section 3. Definitions.

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

"COUNTY OFFICE OF DISABILITIES." AN OFFICE ESTABLISHED BY LOCAL AUTHORITIES TO ADMINISTER THE SERVICES PROVIDED FOR UNDER THIS ACT.

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

~~"Disability." A severe, chronic condition of a person which is attributable to a mental or physical impairment or a combination of mental and physical impairment; is manifested~~

"DISABILITY." A SEVERE, CHRONIC CONDITION OF CHILDREN OR ADULTS WHO HAVE SUBSTANTIAL FUNCTIONAL LIMITATIONS WHICH ARE ATTRIBUTABLE TO A MENTAL, PHYSICAL OR SENSORY IMPAIRMENT OR A COMBINATION OF MENTAL, PHYSICAL AND SENSORY IMPAIRMENTS; IS MANIFESTED before 60 years of age; and is likely to continue indefinitely.

"Family." A person with a disability and his or her SIBLING,

1 parent or legal guardian.

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

3 Section 4. Powers and duties of Commonwealth.

4 (a) Duty to administer grant distributions.--The department
5 shall develop a program for persons with disabilities or
6 families through grants to county ~~mental health and mental~~ <—
7 ~~retardation programs~~ OFFICES OF DISABILITIES to provide for the <—
8 following:

9 (1) Subsidies or purchase vouchers for eligible persons
10 with disabilities or families to offset the costs of services
11 and equipment necessary for caring for a person with
12 disabilities.

13 (2) A system for persons with disabilities or families
14 to acquire supports and services that will enable a person
15 with a disability to live in the residence of his or her
16 choice.

17 (b) Power to establish regulations.--The department shall
18 make and enforce regulations necessary and appropriate to
19 accomplish the purposes of this act.

20 (c) Duty to establish adjustable payment schedule.--The
21 department shall establish a client or family liability schedule
22 which will provide an adjustable payment schedule based on an
23 individual's or family's ability to pay.

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

27 Section 5. Responsibilities of counties.

28 (A) DUTY TO ESTABLISH OFFICE OF DISABILITIES.--LOCAL <—
29 AUTHORITIES SHALL ESTABLISH AN OFFICE OF DISABILITIES, WHICH MAY
30 BE AN EXPANSION OF THE EXISTING COUNTY MENTAL HEALTH AND MENTAL

1 RETARDATION OFFICE, TO ADMINISTER THE PROVISIONS OF THIS ACT.

2 ~~(a)~~ (B) Duty to establish family support programs.--County <—

3 ~~mental health and mental retardation programs~~ OFFICES OF <—

4 DISABILITIES shall establish a disability support subsidy

5 program that meets the standards and legislative intent of this

6 act. COUNTIES MAY USE EXISTING STRUCTURES OR AGENCIES CURRENTLY <—

7 ADMINISTERING VOUCHER PROGRAMS.

8 ~~(b)~~ (C) Duty to hire counselors.--The county shall hire <—

9 sufficient staff to provide families of persons with

10 disabilities with assistance in identifying and choosing

11 appropriate support services.

12 ~~(e)~~ (D) Duty to establish family advisory board.--The county <—

13 shall establish a family advisory board or boards to advise

14 local authorities on county plans, service evaluations and

15 approval of other services not specifically listed in this act.

16 A board shall be subject to the following conditions:

17 (1) A family advisory board shall not serve a geographic

18 area that represents more than 150,000 residents.

19 (2) There shall be a representative regional family

20 advisory board with representation from each family advisory

21 board in the county program in counties with more than one

22 family advisory board.

23 (3) The regional family advisory board and family

24 advisory boards shall each be composed of 11 members. There

25 shall be three professional members and eight family members

26 or disabled persons. The family members and disabled persons

27 shall, to the extent possible, represent all disabilities.

28 (4) The family advisory boards shall advise county

29 administrators on approval of other services not specifically

30 listed in this act, county plans and evaluations of family

1 support services.

2 ~~(d)~~ (E) Duty to make certain services available.--Counties <—
3 shall assure the availability of the following services to
4 families or persons with disabilities:

5 (1) Respite care.

6 (2) Recreation.

7 (3) Homemaker services.

8 (4) Transportation.

9 (5) Personal assistance or attendant care.

10 (6) Home health services.

11 (7) Counseling services.

12 (8) Communication services.

13 (9) Crisis intervention.

14 (10) Vocational and employment support.

15 (11) Specialized diagnostic and evaluation services.

16 (12) ADAPTIVE DEVICES AND EQUIPMENT. <—

17 ~~(12)~~ (13) Other services approved by the county program, <—
18 as advised by the appropriate family advisory committee.

19 ~~(e)~~ (F) Duty to evaluate program effectiveness.--Counties <—
20 and the family advisory committee shall evaluate the
21 effectiveness of the family support services. The evaluation
22 shall include a survey of persons with disabilities and families
23 to determine their satisfaction with the program and any
24 recommendations for improvement.

25 ~~(f)~~ (G) Duty to develop annual plan.--Counties shall develop <—
26 an annual plan for family support services which shall include
27 the following:

28 (1) An estimate of the number of persons with
29 disabilities in the county.

30 (2) An estimate of the need for support services for

persons with disabilities and their families.

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

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

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

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

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

Section 6. Support subsidy payments not alienable.

Support subsidy payments shall not be alienable by assignment, sale, garnishment, execution or otherwise, and, in the event of bankruptcy, shall not pass to or through any person acting on behalf of creditors.

Section 7. Appropriation.

The sum of \$10,000,000, or as much thereof as may be necessary, is hereby appropriated to the Department of Public Welfare for the purposes of this act. These funds shall not replace or supplant existing Federal or State funds for persons with disabilities or their families. COUNTY OFFICES OF DISABILITIES SHALL USE THEIR FUNDS FROM THIS APPROPRIATION TO SERVE PERSONS ON WAITING LISTS FIRST. NO LESS THAN ONE-THIRD OF THIS APPROPRIATION SHALL BE USED FOR PERSONS ON WAITING LISTS.

SECTION 8. EVALUATION.

THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL EVALUATE

1 THE IMPACT OF THIS ACT ON CLIENT ACCESS TO CARE, APPROPRIATENESS
2 OF CARE AND SERVICES AND THE COST OF CARE AND SERVICES, WITHIN
3 THREE YEARS OF THE EFFECTIVE DATE OF THIS ACT AND WITHIN FIVE
4 YEARS OF THE EFFECTIVE DATE OF THIS ACT. A REPORT OF THE
5 EVALUATIONS SHALL BE TRANSMITTED TO ALL MEMBERS OF THE GENERAL
6 ASSEMBLY.

7 Section 8 9. Effective date.

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8 This act shall take effect July 1, 1990.