

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1701

Session of
1993

INTRODUCED BY BELARDI, DeWEESE, VEON, STABACK, CAWLEY, SERAFINI, SURRA, ROONEY, GEORGE, STURLA, DURHAM, DERMODY, CORRIGAN, MELIO, LAUGHLIN, GRUPPO, BLAUM, CURRY, MILLER, YANDRISEVITS, E. Z. TAYLOR, CIVERA, NAILOR, BEBKO-JONES, KASUNIC, COLAIZZO, MANDERINO, PISTELLA, D. W. SNYDER, OLASZ, FREEMAN, TRICH AND DeLUCA, MAY 26, 1993

SENATOR PETERSON, PUBLIC HEALTH AND WELFARE, IN SENATE, AS AMENDED, SEPTEMBER 26, 1994

AN ACT

1 Establishing the Statewide Independent Living Council; providing
2 for the powers and duties of the council; providing for a
3 State plan for the provision of services to people with
4 disabilities; providing for grants and funding for
5 establishment of centers for independent living; and
6 requiring centers for independent living to maintain certain
7 standards and give certain assurances in order to qualify for
8 assistance.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Short title

12 This act shall be known and may be cited as the Independent
13 Living Services Act.

14 Section 2. Legislative findings and declarations.

15 The General Assembly finds and declares as follows:

16 (1) The Commonwealth currently supports the provision of
17 independent living services to people with disabilities
18 through centers for independent living, but lacks a statutory

1 basis to assure that people with disabilities are fully
2 involved in the planning and provision of these services.

3 (2) People with disabilities have the best capacity to
4 design, develop, manage and implement those programs and
5 services that are intended to assist them.

6 (3) The Rehabilitation Act of 1973 (Public Law 93-112,
7 29 U.S.C. § 701 et seq.), as amended, provides for the
8 establishment and operation of a Statewide Independent Living
9 Council to oversee the provision of independent living
10 services funded by the Federal Government.

11 (4) There are an estimated 830,000 residents of this
12 Commonwealth with disabilities who will benefit directly or
13 indirectly from the services provided by State-supported
14 centers for independent living.

15 (5) People with disabilities who could live and work in
16 the community have been denied access to the full range of
17 social opportunities, and in many cases have been forced to
18 live in institutions at State expense, due to architectural,
19 communication and attitudinal barriers, as well as a lack of
20 appropriate independent living options.

21 (6) There is a need to establish independent living
22 services and centers through a coordinated network of
23 consumer-controlled centers for independent living
24 effectively reaching all 67 counties in this Commonwealth.

25 (7) Notwithstanding the services provided by the
26 Commonwealth to specific disability groups, the General
27 Assembly having heretofore appropriated State funds to
28 support consumer-controlled centers for independent living,
29 finds an immediate need to assure that all citizens of this
30 Commonwealth who have a disability are afforded access to and

1 control of the services provided by centers for independent
2 living.

3 Section 3. Definitions.

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

7 "Americans with Disabilities Act of 1990." (Public Law 101-
8 336, 104 Stat. 327), as amended.

9 "Center for independent living." A private, nonprofit agency
10 in which at least 51% of the ~~principle~~ PRINCIPAL governing <—
11 board, management and staff are individuals with disabilities
12 and that:

13 (1) is designed and operated within a local community by
14 individuals with disabilities;

15 (2) provides an array of independent living services and
16 programs; AND <—

17 ~~(3) does not offer among its services permanent housing;~~ <—
18 and

19 ~~(4)~~ (3) assists individuals with a wide variety of
20 disabling conditions.

21 "Consumer-control." A condition under which power and
22 authority are vested in individuals with disabilities and, when
23 applied to a center for independent living, means that at least
24 51% of the ~~principle~~ PRINCIPAL governing board, management and <—
25 staff are individuals with disabilities.

26 "Council." The Statewide Independent Living Council
27 established by this act.

28 "Designated State ~~unit~~ AGENCY." The agency designated by the <—
29 Governor to administer programs funded under the Rehabilitation
30 Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.), as

1 amended.

2 "Disability." With respect to an individual:

3 (1) a physical or mental impairment that substantially
4 limits one or more of the major life activities of the
5 individual;

6 (2) a record of such impairment; or

7 (3) being regarded as having such an impairment.

8 "Independent living core services." The term includes all of
9 the following:

10 (1) Information and referral services.

11 (2) Independent living skills training.

12 (3) Peer counseling.

13 (4) Individual and systems advocacy.

14 "Independent living services." The term includes:

15 (1) independent living core services; and

16 (2) other services and assistance which may include, but
17 are not limited to:

18 (i) counseling services, including psychological,
19 psychotherapeutic and related services;

20 (ii) services related to securing housing or
21 shelter;

22 (iii) assistive technology;

23 (iv) interpreter and reader services;

24 (v) personal assistance services, including
25 attendant care and the training of personnel providing
26 personal assistance services;

27 (vi) surveys, directories and other activities to
28 identify appropriate housing, recreation opportunities,
29 accessible transportation and other support services;

30 (vii) services and technical assistance related to

1 the implementation of the Americans with Disabilities Act
2 of 1990 (Public Law 101-336, 104 Stat. 327), as amended
3 and other related Federal and State laws;

4 (viii) activities supporting, assisting or
5 maintaining life in the community;

6 (ix) transportation, including referral for and
7 assistance with transportation;

8 (x) individual and group community integration
9 activities;

10 (xi) training to develop skills which promote self-
11 awareness and esteem, develop advocacy and self-
12 empowerment skills and explore career options;

13 (xii) appropriate preventive services to decrease
14 the needs of individuals assisted under this act for
15 ~~similar~~ services in the future; <—

16 (xiii) community awareness programs to enhance the
17 understanding and integration into society of individuals
18 with disabilities;

19 (xiv) communicating the programmatic ~~and civil~~ needs <—

20 AND CIVIL RIGHTS of persons with disabilities to State <—
21 and local planners responsible for community services;

22 and

23 (xv) such other services, not inconsistent with the
24 provisions of this act, as may be necessary.

25 "MAJOR LIFE ACTIVITIES." THE TERM INCLUDES, BUT IS NOT <—
26 LIMITED TO, COMMUNICATION, SELF-CARE, MOBILITY AND SELF-
27 DIRECTION.

28 "Rehabilitation Act of 1973." (Public Law 93-112, 29 U.S.C.
29 § 701 et seq.), as amended.

30 Section 4. Eligibility for receipt of INDEPENDENT LIVING <—

1 services.

2 Services may be provided to any individual with a disability
3 regardless of age, to parents and families of individuals with
4 disabilities and, AS APPROPRIATE, to professionals in the <—
5 community working with individuals with disabilities.

6 Section 5. Statewide Independent Living Council.

7 (a) Council established.--There shall be established a
8 Statewide Independent Living Council, which shall be the same
9 council established under Title VII of the Rehabilitation Act of
10 1973. The council shall ~~not~~ be independent of State agencies, <—
11 shall adopt bylaws governing its operations and shall meet at
12 least quarterly.

13 (b) Manner of appointment of members.--Members of the
14 council shall be appointed by the Governor. The Governor shall
15 select members from recommendations of representatives of
16 organizations with governing boards in which at least 51% are
17 persons with disabilities ~~and which represent~~. THE BOARD SHALL <—
18 BE REPRESENTATIVE OF a broad range of individuals with
19 disabilities. The council shall be composed of members appointed
20 to provide Statewide representation, represent a broad range of
21 disabilities and ensure knowledge about centers for independent
22 living AND services and programs PROVIDED. <—

23 (c) Members.--

24 (1) The council shall include a majority of individuals
25 with disabilities who are not State employees and at least
26 50% of the directors of the centers for independent living
27 within this Commonwealth chosen by the directors of centers
28 for independent living in this Commonwealth.

29 (2) The ex officio, nonvoting members shall consist of a
30 representative from the designated State ~~unit~~ AGENCY and <—

1 representatives from other State agencies that provide
2 services for individuals with disabilities.

3 (3) In addition to the members provided for in
4 paragraphs (1) and (2), the Governor may appoint additional
5 members who may be:

6 (i) other representatives from centers for
7 independent living;

8 (ii) parents and guardians of individuals with
9 disabilities;

10 (iii) representatives of advocacy organizations;

11 (iv) representatives from private businesses;

12 (v) representatives from organizations that provided
13 services for individuals with disabilities; and

14 (vi) other appropriate individuals.

15 (d) Chairperson.--The council shall select a chairperson
16 from among the membership of the council.

17 (e) Term of office.--No member of the council may serve more
18 than two consecutive three-year terms, except:

19 (1) a member appointed to fill a vacancy occurring prior
20 to the expiration of the term for which a predecessor was
21 appointed shall be appointed for the remainder of the
22 predecessor's term; and

23 (2) the terms of service of the members initially
24 appointed shall provide for the expiration of terms on a
25 staggered basis.

26 (f) Vacancies.--Any vacancy occurring in the membership of
27 the council shall be filled in the same manner as the original
28 appointment. The vacancy shall not affect the power of the
29 remaining members to execute the duties of the council.

30 Section 6. Powers and duties.

1 The council shall:

2 (1) Jointly develop and submit, in conjunction with the
3 designated State agency, the State plan required by this act.

4 (2) Monitor, review and evaluate implementation of the
5 State plan.

6 (3) Coordinate activities with other State advisory
7 bodies that address the needs of specific disability
8 populations and related issues under Federal and State laws.

9 (4) Ensure that all regularly scheduled meetings of the
10 council are open to the public and that sufficient advance
11 notice of meetings is provided.

12 (5) Prepare reports and make recommendations, as
13 necessary, to the Governor and General Assembly.

14 Section 7. State plan.

15 (a) Eligibility for financial assistance.--To be eligible to
16 receive financial assistance, the council and the designated
17 State ~~unit~~ AGENCY shall develop a State plan. <—

18 (b) Periodic review and revision.--The plan shall provide
19 for review and revision of the plan, not less than once every
20 three years, to ensure the existence of appropriate planning,
21 financial support and coordination, and other assistance to
22 appropriately address on a Statewide and comprehensive basis the
23 need of the Commonwealth for the following:

24 (1) Development and support of a Statewide network of
25 centers for independent living.

26 (2) Provision of Statewide independent living services.

27 (3) Establishment of working relationships between the
28 following:

29 (i) Programs providing independent living services
30 and independent living centers.

1 (ii) The vocational rehabilitation program
2 established under Title I of the Rehabilitation Act of
3 1973, and other programs providing services to
4 individuals with disabilities.

5 (c) Objectives and strategy.--The State plan shall do the
6 following:

7 (1) Specify the objectives to be achieved under the plan
8 and establish timetables for the achievement of the
9 objectives.

10 (2) ~~Explain~~ EXPLICATE how the objectives to be achieved <—
11 are consistent with and further the purposes of this act.

12 (3) Set forth a strategy for the expansion and
13 enhancement of the Statewide network of centers for
14 independent living.

15 (4) Describe the purpose, extent and scope of
16 independent living services and programs ~~funded by the~~ <—
17 Commonwealth.

18 (5) Set the priorities for expenditure of State funds
19 allocated for the purposes described in paragraphs (1), (3)
20 and (4).

21 (6) Describe efforts to coordinate Federal and State
22 funding for centers for independent living and independent
23 living services and programs.

24 (d) Requirements for recipients of financial assistance.--
25 The State plan shall provide satisfactory assurances that all
26 recipients of financial assistance will do all of the following:

27 (1) Notify all individuals seeking or receiving services
28 of the availability of the client assistance program
29 established under section 112 of the Rehabilitation Act of
30 1973, the purposes of the services provided under the program

1 and how to contact representatives of the program.

2 (2) Take affirmative action to employ and advance in
3 employment, qualified individuals with disabilities on the
4 same terms and conditions required with respect to employment
5 of the individuals under the provisions of section 503 of the
6 Rehabilitation Act of 1973, and the Americans with
7 Disabilities Act of 1990.

8 (3) Adopt such fiscal control and fund accounting
9 procedures as may be necessary to ensure the proper
10 disbursement of and accounting for funds received from the
11 Commonwealth under this act.

12 (4) Maintain such other records as may be appropriate to
13 facilitate an effective financial audit.

14 (e) Periodic evaluation.--The plan shall establish a method
15 for the periodic evaluation of the effectiveness of the plan in
16 meeting the objectives established, including evaluation of
17 satisfaction by individuals with disabilities.

18 Section 8. Grants and funding.

19 (a) Authority to award grants.--Under applicable provisions
20 of the State plan, the director of the designated State unit <—
21 AGENCY shall, with the approval of the council, ~~award grants to~~ <—
22 ~~eligible agencies from~~ DESIGNATE STATE AGENCIES ELIGIBLE TO <—
23 RECEIVE funds allotted by the Commonwealth for establishment of
24 centers for independent living.

25 (b) Eligible agencies.--The director of the designated State
26 unit AGENCY may, with the approval of the council, make a grant <—
27 under this section to any DESIGNATED eligible agency that: <—

28 (1) has the power and authority to carry out the
29 purposes of this act;

30 (2) is determined by the director of the designated

1 State ~~unit~~ AGENCY and the council to be able to plan, <—
2 conduct, administer and evaluate a center for independent
3 living consistent with sections 10 and 11; and

4 (3) submits an application to the director of the
5 designated State ~~unit~~ AGENCY at a time AND in such manner and <—
6 containing such information as the director and the council
7 may require.

8 (c) Existing eligible agencies.--In the administration of
9 the provisions of this section, the designated State ~~unit~~ AGENCY <—
10 shall award grants to any eligible agency that received funds
11 for establishment of a center for independent living on June 30,
12 1992, unless the director finds that the agency fails to comply
13 with sections 10 and 11.

14 (d) Minimum annual allocation.--Subject to the availability
15 of appropriations, the minimum annual allocation for each center
16 for independent living shall be \$200,000 in Federal and State
17 funds. Priority for distribution of State funds shall be as
18 follows:

19 (1) Existing State-funded centers for independent
20 living.

21 (2) Centers for independent living funded through Title
22 VII of the Rehabilitation Act of 1973, which receive less
23 than the minimum annual allocation.

24 (3) New centers for independent living planned by the
25 council.

26 (e) New centers for independent living.--If the council
27 determines that there is no center for independent living
28 serving a geographic region of this Commonwealth or a region is
29 underserved and the State appropriation for the year is
30 sufficient to support an additional center for independent

1 living within this Commonwealth, the director may award a grant
2 under this section to the most qualified applicant, consistent
3 with provisions in the State plan relating to establishment of a
4 Statewide network of centers for independent living.

5 Section 9. Compliance with standards.

6 Each center for independent living that receives assistance
7 under this act shall comply with the standards set forth in
8 section 10 in order to ensure that all programs and activities
9 are planned, conducted, administered and evaluated in a manner
10 consistent with the purposes of this act.

11 Section 10. Standards for centers for independent living.

12 (a) Philosophy.--The center for independent living shall
13 promote and practice the independent living philosophy of:

- 14 (1) consumer control of the center for independent
15 living, regarding decision making, service delivery,
16 management and establishment of the policy and STRATEGIC <—
17 direction of the center for independent living;
18 (2) self-help and self-advocacy;
19 (3) development of peer relations and peer role models;
20 and
21 (4) equal access of individuals with disabilities to
22 society and to all services, programs, activities, resources
23 and facilities, whether public or private and regardless of
24 the funding source.

25 (b) Provision of services.--The center for independent
26 living shall provide services to individuals with a range of
27 disabilities. The center for independent living shall provide
28 services for individuals with different types of disabilities,
29 including individuals with disabilities who are members of
30 populations that are unserved or underserved. Eligibility for

1 services at any center for independent living shall not
2 typically be based on the presence of any one or more specific
3 disabilities.

4 (c) Independent living goals.--The center for independent
5 living shall facilitate the development and achievement of
6 independent living goals selected by individuals who seek
7 assistance from the center for independent living.

8 (d) Community options.--The center for independent living
9 shall work to increase the availability and improve the quality
10 of community options for independent living in order to
11 facilitate the development and achievement of independent living
12 goals by individuals with disabilities.

13 (e) Independent living core services.--The center for
14 independent living shall provide independent living core
15 services and, as appropriate, a combination of other independent
16 living services.

17 (f) Activities to increase community capacity.--The center
18 for independent living shall conduct activities to increase the
19 capacity of communities within the service area of the center
20 for independent living to meet the needs of individuals with
21 disabilities. The center for independent living shall support
22 and participate in national, State and local coalition building
23 among independent living centers and organizations representing
24 persons with disabilities.

25 (g) Resource development activities.--The center for
26 independent living shall conduct resource development activities
27 to obtain funding from sources other than sources provided for
28 under this act.

29 Section 11. Assurances of centers for independent living.

30 A center for independent living shall provide at a time and

1 in such manner as the council may require, satisfactory
2 assurances that:

3 (1) The center for independent living is an eligible
4 agency.

5 (2) The center for independent living will be designed
6 and operated ~~within a local region~~ LOCALLY by individuals <—
7 with disabilities, including an assurance that the center for
8 independent living will have a board that is the ~~principle~~ <—
9 PRINCIPAL governing body of the center for independent <—
10 living, a majority of which shall be composed of individuals
11 with disabilities.

12 (3) The center for independent living will comply with
13 the standards set forth in section 10.

14 (4) The center for independent living will establish
15 clear priorities through ~~annual and three year programs and~~ <—
16 AN ANNUAL PLAN AND A THREE-YEAR PLAN REQUIRED BY THE STATE <—
17 PLAN AND financial planning objectives, including overall
18 goals or missions for the center for independent living, a
19 work plan for achieving the goals or missions, specific
20 objectives, services priorities, types of services to be
21 provided and a description that shall demonstrate how the
22 proposed activities of the center for independent living are
23 consistent with the most recent three-year State plan.

24 (5) The center for independent living will use sound
25 organizational, personnel assignment practices, including
26 taking affirmative action to employ and advance in employment
27 qualified individuals with disabilities on the same terms and
28 conditions required with respect to employment of individuals
29 with disabilities under section 503 of the Rehabilitation Act
30 of 1973 and the Americans with Disabilities Act of 1990.

1 (6) The center for independent living will ensure that
2 the majority of its staff and individuals in decision making
3 positions are individuals with disabilities.

4 (7) The center for independent living will practice
5 sound fiscal management, including making arrangements for an
6 annual independent fiscal audit.

7 (8) The center for independent living will conduct
8 annual self-evaluations, prepare an annual report and
9 maintain records, adequate to measure at a minimum,
10 performance with respect to the following:

11 (i) The extent to which the center for independent
12 living is in compliance with section 10.

13 (ii) The numbers and types of individuals with
14 disabilities receiving services through the center for
15 independent living.

16 (iii) The types of services provided through the
17 center for independent living and the number of
18 individuals with disabilities receiving each type of
19 service.

20 (iv) The source and amounts of funding for the
21 operation of the center for independent living.

22 (v) The number of individuals with disabilities who
23 are employed by the center for independent living and the
24 number who are in management and decision making
25 positions.

26 (vi) A comparison, when appropriate, of the
27 activities of the center for independent living in prior
28 years, with the activities of the center for independent
29 living in the most recent year.

30 (9) Individuals with severe disabilities who are seeking

1 to receive services from the center for independent living
2 will be notified by the center for independent living of the
3 existence of, the availability of, and how to contact
4 representatives of, the client assistance program.

5 (10) Aggressive outreach, regarding services provided
6 through the center for independent living, will be conducted
7 in an effort to reach populations of individuals with
8 disabilities that are unserved or underserved by programs
9 under this act, especially minority groups and urban and
10 rural populations.

11 (11) Staff at centers for independent living will
12 receive training on how to serve unserved and underserved
13 populations, including minority groups and urban and rural
14 populations.

15 (12) The center for independent living will submit to
16 the council a copy of its approved grant application and the
17 annual report required under paragraph (8).

18 (13) The center for independent living will prepare and
19 submit a report to the designated State ~~unit~~ AGENCY, at the <—
20 end of each fiscal year, that contains the information
21 described in paragraph (8) and information regarding the
22 extent to which the center for independent living is in
23 compliance with the standards set forth in section 10.

24 (14) Each individual receiving independent living
25 services has an independent living plan, if requested by the
26 individual.

27 Section 12. Allocation of funds by designated State ~~unit~~ <—
28 AGENCY. <—

29 From sums appropriated each fiscal year, in addition to funds
30 allocated for independent living centers under the State

1 independent living plan, the designated State unit may allocate,
2 under the State plan, funds for the following purposes:

3 (1) To demonstrate ways to expand and improve
4 independent living services.

5 (2) To support the operation of centers for independent
6 living.

7 (3) To support activities to increase the capacities of
8 centers for independent living to develop comprehensive
9 approaches or systems for providing independent living
10 services.

11 (4) To conduct studies and analyses, gather information,
12 develop model policies and procedures and present
13 information, approaches, strategies, findings, conclusions
14 and recommendations to policymakers in order to enhance
15 independent living services for individuals with
16 disabilities.

17 (5) To train individuals with disabilities and
18 individuals providing services to individuals with
19 disabilities and other persons regarding the independent
20 living philosophy.

21 (6) To provide outreach to populations that are unserved
22 or underserved by programs under this act, including minority
23 groups and urban and rural populations.

24 Section 13. Effective date.

25 This act shall take effect immediately.