



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 133

PRINTERS NO. 2078

PRIME SPONSOR: Murt

COST / (SAVINGS)

FUND	FY 2015/16	FY 2016/17
General Fund	\$0	\$0

SUMMARY: House Bill 133, Printer's Number 2078 establishes a bill of rights for individuals with intellectual disabilities or autism. This legislation is effective immediately.

ANALYSIS: This legislation establishes a freestanding act, the Individuals with Intellectual Disabilities or Autism Bill of Rights Act. This legislation will help ensure that individuals with an intellectual disability or autism and their families/guardians can fully participate in the design and access to services, supports, assistance and opportunities to promote independence, productivity and choice of living arrangements.

The bill provides individuals with choice by requiring the state to provide individualized community-integrated supports and services if:

- individual has an intellectual disability or autism;
- the individual chooses certain supports and services or does not oppose the supports and services; and
- the supports and services are included in an individualized services plan developed by an authorized state or county supports coordinator with the input of the individual and the individual's guardian and advocate.

Unless the individual determines otherwise, family members and legal guardians shall be involved in meetings regarding the planning for and arrangement of community-based services or other allowable services.

The individual, a family member or a legal guardian who believes that the needs as detailed in the individualized service plan are not being met may provide the state or county a letter expressing concerns. The state or county shall, within 30 days, address the concerns and, if necessary, take corrective action.

HB 133 requires the Department of Human Services (DHS), within four months of the effective date, to reorganize its waiting list or interest list for individuals with autism into a waiting list

that prioritizes individuals according to the categories of emergency needs, critical needs, and planning needs.

Within one year of the bill's effective date, DHS shall:

- develop a five-year plan to eliminate the current and future critical and emergency waiting list for individuals with intellectual disabilities; and
- develop a two-year plan to eliminate the current and future home-based and community-based services waiting list for individuals with autism, and to prevent home-based and community-based services waiting lists for all other individuals with disabilities.

This plan shall be submitted to the Governor, the General Assembly and the county intellectual disability program administrators and include:

- statistical information on the current and projected annual increase in the waiting list on a county basis. DHS shall develop a statewide standardized form to collect the information from the counties.
- budget projections taking into consideration DHS's current budget year, projected annual costs associated with the elimination of the waiting list, financial information on the amount of additional federal, state or other funds in each county which may be required annually for the operational costs associated with the elimination of the waiting list in each county and the projected annual waiting list in each annual plan update.
- public comment from individuals with intellectual disabilities or autism, their families and guardians and providers of services to the intellectual disability and autism community obtained from public hearings held by DHS.

DHS shall update the budget, statistical and financial data to the plan annually and submit an updated plan to the Governor, the General Assembly and the county intellectual disability program administrators on the anniversary date of DHS's original submission of the plan.

HB 133 provides that services shall be made available across PA, taking into account budget constraints and financial resources available to the state and the needs of individuals with intellectual disabilities and autism. Nothing in the act constitutes an entitlement derived from the Commonwealth or a claim on any Commonwealth funds.

This legislation requires DHS to submit a written report by September 30, 2015, and every four months thereafter to the Governor, the DHS Medical Assistance Advisory Committee, and the chairmen/minority chairmen of:

- the Senate Public Health and Welfare Committee;
- the House and Senate Appropriations Committees;
- the House Health Committee; and
- the House Human Services Committee.

The report shall include:

- the total number and age ranges, including under 18 years of age, ages 18 to 21 and over 21 years of age, of individuals currently on DHS waiting list for home-based and community-based services for individuals with intellectual disabilities and those with emergency and critical needs.
- the number of individuals added to and removed from the DHS waiting list for home-based and community-based services for individuals with intellectual disabilities in the last four months and the reasons they were added/removed.
- the number of months or years that individuals with emergency needs currently on the DHS waiting list for home-based and community-based services for individuals with intellectual disabilities have been on the waiting list.
- the number of months or years that individuals with critical needs currently on the DHS waiting list for home-based and community-based services for individuals with intellectual disabilities have been on the waiting list.
- the number and age ranges, including under 18 years of age, ages 18 to 21 and over 21 years of age, of individuals currently on the DHS waiting list for home-based and community-based services for individuals with intellectual disabilities who are in state centers, ICF/ID, ICF/ORC, state hospitals, private psychiatric hospitals, residential treatment facilities, or any other public or private facility or other institutional setting.
- the total number and age ranges, including under 18 years of age, ages 18 to 21 and over 21 years of age, of individuals currently on the DHS waiting list, or interest list, for the adult community autism program and the adult autism waiver and those with emergency and critical needs.
- the number of individuals added to and removed from the DHS waiting list, or interest list, for the adult community autism program and the adult autism waiver in the last four months and the reasons they were added/removed.
- the number of months or years that individuals with emergency needs currently on the DHS waiting list, or interest list, for the adult community autism program and the adult autism waiver have been on the waiting list.
- the number of months or years that individuals with critical needs currently on the DHS waiting list, or interest list, for the adult community autism program and the adult autism waiver have been on the waiting list.
- the total number and age ranges, including under 18 years of age, ages 18 to 21 and over 21 years of age, of individuals currently on the DHS waiting list, or interest list, for the adult community autism program and the adult autism waiver who are in state centers, ICF/ID, ICF/ORC, state hospitals, private psychiatric hospitals, residential treatment facilities, or any other public or private facility or other institutional setting.
- the estimated per-person cost to serve all eligible individuals on all waiting lists and interest lists.

FISCAL IMPACT: The Department of Human Services does not anticipate any fiscal impact from the passage of HB 133. This legislation does not create an entitlement to services for individuals with intellectual disabilities or autism.

PREPARED BY: Ann Bertolino
House Appropriations Committee (R)

DATE: September 29, 2015

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.