



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1363

PRINTERS NO. 3796

PRIME SPONSOR: Murt

COST / (SAVINGS)

FUND	FY 2019/20	FY 2020/21
General Fund	\$0	See Fiscal Impact

SUMMARY: House Bill 1363, Printer's Number 3796 establishes the Individuals with Intellectual Disabilities or Autism Bill of Rights Act. This legislation is effective immediately.

ANALYSIS: HB 1363 provides individuals with choice by requiring the state, based on available funding, 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 chooses 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 the needs 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 1363 requires the Department of Human Services (DHS) 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 six months of the effective date of this act.

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 or autism and submit the plan to the Governor, the General Assembly and the county intellectual disability program administrators. DHS's plan shall 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 lists, 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 lists in each county and the projected annual waiting lists 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 1363 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.

HB 1363 requires DHS to submit a written report within nine months of the effective date, and every four months thereafter to the Governor, the DHS Medical Assistance Advisory Committee, and the chairperson/minority chairperson 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 the DHS waiting list for supports and services for individuals with intellectual disabilities or autism and those with emergency and critical needs.
- The number of individuals added to and removed from the DHS waiting list for supports and services for individuals with intellectual disabilities or autism.
- 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 supports and services for individuals with intellectual disabilities or autism 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.
- 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: Although HB 1363 does not create an entitlement to services, according to DHS, the estimated annual cost to serve all individuals currently on the intellectual disability or autism waiting lists is \$1.4 billion in total funds.

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House Appropriations Committee (R)

DATE: June 8, 2020

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