

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 360 Session of  
1991

INTRODUCED BY SAURMAN, RICHARDSON, E. Z. TAYLOR, HAYES, ITKIN,  
NOYE, COHEN, PITTS, VAN HORNE, BARLEY, HUGHES, CLYMER,  
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FLEAGLE, ROBINSON, HECKLER, VANCE, KAISER, J. TAYLOR, BUSH,  
JAMES, LAWLESS, FOX, LINTON, GEIST, SCHULER, CAWLEY, DEMPSEY,  
MAIALE, FAIRCHILD, TULLI, JOSEPHS, MICOZZIE, REBER, KING,  
NAHILL, STUBAN, NAILOR, MARSICO, TRELLO, GODSHALL, HERMAN,  
MELIO, ADOLPH, STRITTMATTER, LAUGHLIN, JOHNSON, BLACK,  
WAMBACH, HASAY, BUNT, COY, TELEK, CORNELL, CARN, HAGARTY,  
HARLEY, BELARDI, LANGTRY, HAYDEN, MARKOSEK, TIGUE, PESCI,  
FARGO, RITTER, BOYES, KENNEY, O'BRIEN, McHUGH, DENT, COLAIZZO  
AND ULIANA, FEBRUARY 11, 1991

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, FEBRUARY 11, 1991

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 the

individual's family, rather than fit the person with disabilities to existing programs.

(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 and their families which enables them to choose the services that will provide the greatest opportunity for a person with a disability to develop to the 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 who has a substantial functional limitation which is 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 the person's sibling, parent or legal guardian.

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

2 Section 4. Powers and duties of Commonwealth.

3 (a) Duty to administer grant distributions.--The department  
4 shall develop a program for persons with disabilities or  
5 families through grants to county offices of disabilities to  
6 provide for the following:

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

11 (2) A system for persons with disabilities or families  
12 to acquire supports and services that will enable a person  
13 with a disability to live in the residence of the person's  
14 choice.

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

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

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

25 Section 5. Responsibilities of counties.

26 (a) Duty to establish office of disabilities.--Local  
27 authorities shall establish an office of disabilities, which may  
28 be an expansion of the existing county mental health and mental  
29 retardation office, to administer the provisions of this act.

30 (b) Duty to establish family support programs.--County

1 offices of disabilities shall establish a disability support  
2 subsidy program that meets the standards and legislative intent  
3 of this act. Counties may use existing structures or agencies  
4 currently administering voucher programs.

5 (c) Duty to hire counselors.--The county shall hire  
6 sufficient staff to provide families of persons with  
7 disabilities with assistance in identifying and choosing  
8 appropriate support services.

9 (d) Duty to establish family advisory board.--The county  
10 shall establish a family advisory board or boards to advise  
11 local authorities on county plans, service evaluations and  
12 approval of other services not specifically listed in this act.  
13 A board shall be subject to the following conditions:

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

16 (2) There shall be a representative regional family  
17 advisory board with representation from each family advisory  
18 board in the county program in counties with more than one  
19 family advisory board.

20 (3) The regional family advisory board and family  
21 advisory boards shall each be composed of 11 members. There  
22 shall be three professional members and eight family members  
23 or disabled persons. The family members and disabled persons  
24 shall, to the extent possible, represent all disabilities.

25 (4) The family advisory boards shall advise county  
26 administrators on approval of other services not specifically  
27 listed in this act, county plans and evaluations of family  
28 support services.

29 (e) Duty to make certain services available.--Counties shall  
30 assure the availability of the following services to families

1 and persons with disabilities:

2 (1) Respite care.

3 (2) Recreation.

4 (3) Homemaker services.

5 (4) Transportation.

6 (5) Personal assistance or attendant care.

7 (6) Home health services.

8 (7) Counseling services.

9 (8) Communication services.

10 (9) Crisis intervention.

11 (10) Vocational and employment support.

12 (11) Specialized diagnostic and evaluation services.

13 (12) Adaptive devices and equipment.

14 (13) Other services approved by the county program, as  
15 advised by the appropriate family advisory committee.

16 (f) Duty to evaluate program effectiveness.--Counties and  
17 the family advisory committee shall evaluate the effectiveness  
18 of the family support services. The evaluation shall include a  
19 survey of persons with disabilities and families to determine  
20 their satisfaction with the program and any recommendations for  
21 improvement.

22 (g) Duty to develop annual plan.--Counties shall develop an  
23 annual plan for family support services which shall include the  
24 following:

25 (1) An estimate of the number of persons with  
26 disabilities in the county.

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

29 (3) A review of the current budget for services for  
30 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.

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

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

(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. In the event of bankruptcy, support subsidy payments shall not pass to or through any person acting on behalf of creditors.

Section 7. Funding.

The department shall seek additional funding for these support services by amending the State medicaid plan to include optional services and by applying for Federal waivers. New funds shall not replace or supplant existing Federal or State funds for persons with disabilities or their families. Vouchers shall not be used to reduce or diminish the extent of services available to a disabled person.

Section 8. Evaluation.

The Legislative Budget and Finance Committee shall evaluate the impact of this act on client access to care, appropriateness of care and services and the cost of care and services, within three years of the effective date of this act and within five years of the effective date of this act. A report of the

1 evaluations shall be transmitted to all members of the General  
2 Assembly.  
3 Section 9. Effective date.  
4 This act shall take effect July 1, 1991.