
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1359 Session of
1991

INTRODUCED BY RITTER, KUKOVICH, E. Z. TAYLOR, JOSEPHS,
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SERAFINI, McCALL, MELIO, CAPPABIANCA, SCHULER, DERMODY,
ITKIN, PISTELLA, STURLA AND RICHARDSON, MAY 8, 1991

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MAY 8, 1991

AN ACT

1 Relating to the delivery of services and programs to persons
2 with disabilities; conferring powers and duties on the
3 Department of Public Welfare; and providing for an Office of
4 Disability Services, Advisory Council and a designated
5 organization to administer programs of disability services.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Comprehensive
10 Services for Persons with Disabilities Act.

11 Section 2. Legislative policy and findings.

12 The General Assembly finds and declares as follows:

13 (1) Persons with disabilities and their families should
14 have access to the full range of services including equal
15 access to all services provided for persons without
16 disabilities, as well as specialized services that meet the
17 unique needs of persons with disabilities.

1 (2) Persons with disabilities and their families have
2 traditionally been underserved. They have often been denied
3 access to services available to the community at large and
4 have been denied specialized services necessary to their
5 health, well-being, independence and advancement.

6 (3) Persons who could live and work in the community
7 have been forced to live in institutions at State expense due
8 to inadequate funding for community support services. The
9 result is a loss both to these individuals and to this
10 Commonwealth as a whole.

11 (4) While laws of this Commonwealth have assured
12 adequate services for persons with mental illness and mental
13 retardation and have provided for the aged, they have until
14 now provided for few and limited services to persons with
15 other disabilities.

16 (5) While services currently being provided to the aged,
17 to those with mental retardation or mental illness, or to
18 those being served by other systems should not be duplicated,
19 the State must ensure that all persons with disabilities
20 whose disability-related needs are not being met by existing
21 systems receive needed services.

22 (6) A State level agency is needed to enable persons
23 with disabilities and their families to have access to
24 services, to coordinate those services that are available, to
25 improve inadequate programs and to develop new ones.

26 (7) Services should be provided in a manner that
27 promotes independent living, enables people to obtain and
28 maintain employment and supports people in their homes and
29 communities.

30 (8) Persons with disabilities and their families should

1 have the opportunity to choose and direct the services
2 provided to them, and the community of persons with
3 disabilities should be instrumental in the development and
4 operation of the service delivery system.

5 Section 3. Definitions.

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

9 "Council." The Advisory Council established under section 5.

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

12 "Designated organization." The nonprofit organization
13 provided for under section 6.

14 "Disability services." Services provided to persons with
15 disabilities to enhance their ability to live or work
16 independently and to pursue their rights and responsibilities as
17 citizens, but shall not include mental health or mental
18 retardation services.

19 "Functional limitations." Those which affect one or more of
20 the following activities of daily living:

- 21 (1) mobility;
- 22 (2) communication;
- 23 (3) self-care;
- 24 (4) work;
- 25 (5) recreation; or
- 26 (6) independent living.

27 "Geographic area." An area to be determined by the
28 designated organization.

29 "Long-term." Likely to be of lifelong or extended duration.

30 "Persons with disabilities." Children and adults with long-

1 term, substantial, functional limitations arising from physical,
2 sensory or other conditions, including conditions of fluctuating
3 severity.

4 Section 4. Powers and duties of department.

5 The department shall have the power and its duty shall be to:

6 (1) Assure that all persons with disabilities and their
7 families have access to adequate and coordinated quality,
8 consumer-driven, disability services.

9 (2) Establish working relationships, including
10 interagency agreements, with other governmental bodies and
11 public and private agencies to assure access of persons with
12 disabilities and their families to the full range of
13 services, including equal access to all services provided for
14 persons without disabilities, both within and outside the
15 department, and to advocate for consumer control in all
16 services provided to persons with disabilities.

17 (3) Establish an Office of Disability Services
18 administered by a deputy secretary to carry out the powers
19 and duties of the department imposed by this act.

20 (4) Establish a self-governing advisory council for the
21 purpose of advising the Office of Disability Services on all
22 matters pertaining to the delivery of services and programs
23 to persons with disabilities.

24 (5) Develop, within one year of the effective date of
25 this act, and enforce all program requirements and
26 regulations necessary and appropriate to the proper
27 accomplishment of the duties imposed by this act. This shall
28 be accomplished with the advice of the advisory council.

29 (6) Make allotments to the designated organization,
30 selected under section 6 for the purpose of administering

1 programs of disability services, including the Attendant Care
2 Program, the Community Services Program for People with
3 Physical Disabilities and Centers for Independent Living,
4 which programs shall be transferred from their current
5 offices, and other new programs as may be appropriate to
6 serve the purposes of this act. Other existing programs shall
7 not be transferred to the Office of Disability Services.

8 (7) Assure the coordination and delivery of
9 nonduplicative disability services to persons with
10 disabilities who are also eligible for services from the
11 Office of Mental Health, the Office of Mental Retardation,
12 the Office of Deaf and Hearing Impaired, the Department of
13 Aging, the Bureau of Blindness and Visual Services or any
14 other governmental agency. The Office of Disability Services
15 shall cooperate with and not duplicate the services of these
16 government agencies.

17 (8) Plan, in conjunction with the designated
18 organization and the advisory council, for the service needs
19 of persons with disabilities and their families, to maximize
20 the use and availability of Federal funding and to develop
21 needed services.

22 Section 5. Advisory Council.

23 (a) Composition.--The Advisory Council established by the
24 department shall consist of 21 members as follows:

25 (1) Eleven persons with disabilities.

26 (2) Three parents of minor children with disabilities
27 who have been recommended by various associations of or for
28 people with disabilities.

29 (3) One representative each from the Department of Labor
30 and Industry, the Department of Health, the Department of

1 Aging, the Department of Education and the Department of
2 Transportation.

3 (4) One representative of a Statewide advocacy
4 organization.

5 (5) One representative of a Statewide provider
6 organization.

7 (b) Meetings.--The council shall meet at least four times a
8 year. The reasonable expenses of the nongovernmental committee
9 members associated with attending meetings shall be reimbursed
10 by the department.

11 Section 6. Designated organization.

12 Within six months of the issuance of the program
13 requirements, the department shall issue a request for proposals
14 for a nonprofit organization to carry out the responsibilities
15 set forth in section 7. With the advice of the council, the
16 department shall choose the best proposal submitted and
17 designate the organization named in the proposal. The designated
18 organization shall be a private nonprofit corporation governed
19 by a board of directors at least 51% of whom are persons with
20 disabilities or parents of minor children with disabilities. Of
21 that 51%, or more, the majority shall be persons with
22 disabilities. All members shall be persons who have a
23 demonstrated commitment to the policies set forth in section 2
24 and shall represent a diverse population in terms of geography,
25 race, gender and type and severity of disability. The designated
26 organization shall demonstrate a commitment to the hiring and
27 promotion of persons with disabilities and shall have the
28 support of persons with disabilities and their associations. The
29 request for proposals shall be reissued every three years or
30 upon a determination of the council that the designated

1 organization is not adhering to the policies set forth in
2 section 2.

3 Section 7. Powers and duties of designated organization.

4 The designated organization shall:

5 (1) Administer programs of disability services,
6 including the Attendant Care Program, the Community Services
7 Program for People with Physical Disabilities, Centers for
8 Independent Living and other new programs as may be
9 appropriate to serve the purposes of this act.

10 (2) Select a single local agency in no fewer than 15 and
11 no more than 30 geographic areas in this Commonwealth to
12 serve as the point of application or referral for disability
13 services. The local agencies shall be private nonprofit
14 corporations governed by a board of directors at least 51% of
15 whom are persons with disabilities and the remainder of whom
16 have a demonstrated commitment to the policies set forth in
17 section 2 and shall include parents of minor children with
18 disabilities. Preferences shall be given to existing
19 organizations which have the support of the persons with
20 disabilities in that geographic area.

21 (3) Contract with the selected local agencies to carry
22 out, either directly or by subcontract, the programs it
23 administers.

24 (4) Contract with the selected local agencies for the
25 provision of additional needed disability services which are
26 not otherwise available in the community, either directly or
27 by subcontract, and for the provision of referral services to
28 individuals with disabilities whose particular needs can be
29 met in the community or through other government agencies.

30 (5) Monitor compliance with its contracts, which shall

1 include standards for quality assurance.

2 (6) Provide information, referrals and technical
3 assistance to the local agencies and to the service providers
4 with which the local agencies have subcontracted.

5 (7) In conjunction with the selected local agencies,
6 identify gaps in disability services and funding shortages
7 and report annually this information to the Office of
8 Disability Services and to the General Assembly.

9 (8) Act as a system advocate to expand the availability
10 of consumer-oriented disability services and access to
11 generic services.

12 (9) Plan for Statewide improvements in the services for
13 persons with disabilities and their families.

14 Section 8. Powers and duties of selected local agencies.

15 Selected local agencies shall:

16 (1) Serve as points of application or referral for
17 disability services and ensure that all persons with
18 disabilities have access to and an opportunity to participate
19 in the services and functions of their local agency.

20 (2) Under contracts with the designated organization,
21 provide, either directly or by subcontract, disability
22 services necessary to the programs administered by the
23 designated organization and other needed services as are not
24 otherwise available in the community. Contracts shall be with
25 existing service providers whenever appropriate.

26 (3) Provide referral services to individuals with
27 disabilities whose particular needs can be met in the
28 community or through other government agencies.

29 (4) Identify gaps in local disability services and
30 funding shortages and report this information to the

1 designated organization on a quarterly basis.

2 (5) Act as an advocate for persons with disabilities.

3 Section 9. Effective date.

4 This act shall take effect in 60 days.