
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 367 Session of
2021

INTRODUCED BY TARTAGLIONE, STREET, GORDNER, SANTARSIERO,
BREWSTER, COSTA, SCHWANK, KANE, HUGHES AND MUTH,
MARCH 12, 2021

REFERRED TO STATE GOVERNMENT, MARCH 12, 2021

AN ACT

1 Relating to the delivery of services and programs to individuals
2 with disabilities; conferring powers and duties on the Office
3 of the Governor; establishing the Office for Individuals with
4 Disabilities and the Advisory Committee for Individuals with
5 Disabilities; and providing for the powers and duties of the
6 office and the committee and for funding of the office and
7 the committee.

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4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 CHAPTER 1

7 PRELIMINARY PROVISIONS

8 Section 101. Short title.

9 This act shall be known and may be cited as the Office for
10 Individuals with Disabilities Act.

11 Section 102. Legislative policy and declaration.

12 The General Assembly finds and declares as follows:

13 (1) An individual with disability and the individual's
14 family and guardians should have access to a full range of
15 services and programs, including equal access to all services
16 and programs provided for those without disabilities, as well
17 as individualized and specialized services that meet the
18 unique needs of individuals without discrimination.

19 (2) An individual with disability and the individual's
20 family and guardians are often underserved. They have often
21 been denied access to individualized and specialized services
22 available to the community at large and have been denied
23 services necessary to their health, well-being, independence
24 and advancement.

25 (3) An individual with disability who could live and
26 work in the community lives in institutions at State expense
27 due to inadequate funding for community support services. The
28 result is a loss both to the individuals and to this
29 Commonwealth.

30 (4) An individual with disability and the individual's

1 family and guardians should have the opportunity to choose
2 and direct the services and programs provided to them, and
3 the community of individuals with disabilities should direct
4 the development and operation of the delivery system.

5 (5) Increased availability of community support services
6 and programs will enable individuals with disabilities and
7 the individuals' family and guardians to be more independent
8 and productive, to remain in their homes and communities and
9 to more fully exercise their rights and responsibilities as
10 citizens.

11 (6) Services and programs provided by the Commonwealth
12 to individuals with disabilities and the individuals' family
13 and guardians should be provided in a manner that promotes
14 independent living, enables individuals to obtain and
15 maintain employment and supports individuals in their homes
16 and communities.

17 (7) A State-level office and advisory committee is
18 needed to advise and assist the Governor and the General
19 Assembly in developing policies addressing the concerns of
20 individuals with disabilities and the individuals' family and
21 guardians.

22 (8) Access to the office will enable individuals with
23 disabilities and the individuals' family and guardians to
24 have their concerns and issues addressed.

25 Section 103. Definitions.

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

29 "Committee." The Advisory Committee for Individuals with
30 Disabilities established under this act.

1 "Consumer control." The right of an individual with
2 disability or an individual acting on behalf of an individual
3 with disability to maintain power and authority over decisions
4 affecting the provision of services, programs and community
5 activities.

6 "Disability services." Services and programs provided to
7 individuals with disabilities or the individuals' family or
8 guardians to enhance the ability of adults or children with
9 disabilities to live or work independently and to pursue their
10 rights and responsibilities as citizens.

11 "Functional limitation." A limitation that affects one or
12 more of the following activities of daily living:

- 13 (1) Mobility.
- 14 (2) Communication.
- 15 (3) Self-care.
- 16 (4) Work.
- 17 (5) Recreation.
- 18 (6) Independent living.
- 19 (7) Learning.
- 20 (8) Self-direction.

21 "Individual with disability." A child or adult who has a
22 severe chronic condition resulting in substantial functional
23 limitation that is attributable to psychological, cognitive,
24 developmental, physical or sensory impairment or a combination
25 of psychological, cognitive, developmental, physical or sensory
26 impairment and is likely to continue long-term.

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

28 "Office." The Office for Individuals with Disabilities
29 established under this act.

30 CHAPTER 3

1 OFFICE FOR INDIVIDUALS WITH DISABILITIES

2 Section 301. Establishment.

3 The Office for Individuals with Disabilities is established
4 within the Office of the Governor. The office shall be
5 administered by the Office of the Governor.

6 Section 302. Powers and duties of office.

7 (a) Duties.--The office shall have all of the following
8 powers and duties:

9 (1) Ensure that an individual with disability in this
10 Commonwealth and the individual's family and guardians have
11 access to adequate and coordinated quality services and
12 programs.

13 (2) Establish interagency agreements and working
14 relationships with other governmental bodies and public and
15 private agencies to:

16 (i) Ensure access to the full range of available
17 services and programs for an individual with disability
18 and the individual's family and guardians.

19 (ii) Advocate for consumer control.

20 (iii) Coordinate the delivery of nonduplicative
21 disability services and programs to an individual with
22 disability and the individual's family and guardians.

23 (3) Identify gaps in disability services and programs
24 and funding shortages in collaboration with the committee and
25 report this information annually to the Governor and to the
26 General Assembly.

27 (4) Act as a system advocate to expand the availability
28 of disability services and programs and access to generic
29 services and programs.

30 (5) Plan for Statewide improvements in services and

1 programs for an individual with disability and the
2 individual's family and guardians.

3 (6) Develop and enforce, within one year of the
4 effective date of this section, regulations necessary and
5 appropriate to satisfy the duties imposed under this act.
6 Development of program requirements and regulations shall be
7 accomplished in collaboration with the committee.

8 (7) Employ an executive director to carry out the duties
9 of this section.

10 Section 303. Power to contract.

11 The office may contract with Statewide disability-related
12 organizations to carry out the provisions of this act. The
13 contracts must place contract activities under the direction and
14 control of consumers with disabilities.

15 CHAPTER 5

16 ADVISORY COMMITTEE FOR INDIVIDUALS WITH DISABILITIES

17 Section 501. Establishment.

18 The Advisory Committee for Individuals with Disabilities is
19 established within the Office for Individuals with Disabilities
20 and shall serve in an advisory capacity to the office in matters
21 regarding individuals with disabilities in this Commonwealth.

22 The committee shall be administered by the Office for
23 Individuals with Disabilities.

24 Section 502. Membership.

25 (a) Public official members.--The committee shall consist of
26 the following members, who shall serve by virtue of their public
27 position:

28 (1) Secretary of Human Services.

29 (2) Secretary of Labor and Industry.

30 (3) Secretary of Health.

- 1 (4) Secretary of Education.
- 2 (5) Secretary of Transportation.
- 3 (6) Secretary of the Budget.
- 4 (7) Secretary of Aging.
- 5 (8) Secretary of Policy and Planning.
- 6 (9) Adjutant General.
- 7 (10) Secretary of the Commonwealth.
- 8 (11) Director of the Office of Health Care Reform.
- 9 (12) Chairperson of the Pennsylvania Human Relations
10 Commission.

11 (13) Executive Director of the Pennsylvania Housing
12 Finance Agency.

13 (14) Executive Director of the Pennsylvania
14 Developmental Disabilities Planning Council.

15 (15) Executive Director of the Office for Individuals
16 with Disabilities.

17 (16) Executive Director of the Intra-Governmental
18 Council on Long-Term Care.

19 (b) Nongovernmental members.--The committee shall consist of
20 nongovernmental members to be appointed by the Governor as
21 follows:

22 (1) The Governor shall appoint individuals with
23 disabilities, including individuals from existing stakeholder
24 groups, in such number as the Governor deems appropriate.

25 (2) At a minimum, 60% of nongovernmental members shall
26 be individuals with disability or family members of
27 individuals with disabilities.

28 (3) Committee members shall be selected based upon an
29 evaluation of information received through formal
30 application.

1 (c) Voting.--

2 (1) The members appointed under subsection (a) may not
3 vote on matters brought up for consideration by the
4 committee.

5 (2) The members appointed under subsection (b) shall
6 hold voting privileges on all matters brought up for
7 consideration by the committee.

8 (d) Terms.--

9 (1) The terms of the members under subsection (a) shall
10 be concurrent with the members' holding of public office.

11 (2) A member appointed under subsection (b) shall serve
12 at the pleasure of the Governor as long as the member
13 represents the interest of the membership class for which the
14 member was appointed and shall serve until their successor is
15 appointed.

16 (e) Chairperson.--The Governor shall appoint a
17 nongovernmental member of the committee to serve as chairperson
18 of the committee.

19 (f) Expenses of members.--A member of the committee may not
20 receive compensation for their service. A member who is not an
21 employee of State government shall be reimbursed for expenses
22 incurred in the course of their official duties and in
23 accordance with the Rehabilitation Act of 1973 (Public Law 93-
24 112, 29 U.S.C. § 701 et seq.).

25 Section 503. Powers and duties of committee.

26 (a) General rule.--The committee shall have all of the
27 following powers and duties:

28 (1) Make recommendations to the Governor on policies,
29 procedures, regulations and legislation that aid individuals
30 with disabilities in this Commonwealth.

1 The Office of the Governor shall use Federal funds where
2 possible for the administration of the office and the committee
3 and shall expend Federal funds on appropriation by the General
4 Assembly prior to expending any State appropriations for the
5 same or similar purpose. The Office of the Governor shall
6 utilize any available private funds to carry out the provisions
7 of this act.

8 Section 702. Effective date.

9 This act shall take effect in 60 days.