

CHAPTER 108**(HB 501)**

AN ACT relating to individuals with disabilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 205.6317 is amended to read as follows:

- (1) As used in this section:
 - (a) "Supports for Community Living Waiver Program" means funding from the Department for Medicaid Services to serve individuals with mental retardation or other developmental disabilities who qualify for intermediate care and choose to live in a community-based setting ***and includes funding for a self-determination model, as recommended by the Commission on Services and Supports for Individuals with Mental Retardation and Other Developmental Disabilities under subsection (2) of Section 2 of this Act, that provides the ability for the individual receiving services and supports to personally control, with appropriate assistance, a targeted amount of dollars;*** and
 - (b) "Slots" means the dedication of provider or financial resources for services to persons with mental retardation or other developmental disabilities.
- (2) The Department for Medicaid Services shall develop and implement flexible reimbursement and payment strategies that reflect the individually determined needs for services and supports by persons with mental retardation and other developmental disabilities participating in the Supports for Community Living Waiver Program.
- (3) The Department for Medicaid Services shall allocate slots to the fourteen (14) community mental health regions based on percentage of total population.
- (4) The Department for Medicaid Services shall reallocate underutilized slots to address statewide needs and shall reallocate slots in emergency situations to address unmet needs for services and supports.
- (5) ~~[Within six (6) months after April 14, 2000,]~~The Department for Medicaid Services shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement the requirements of this section.
- (6) Funds for the Supports for Community Living Waiver Program shall be appropriated only for direct services to qualified individuals and any unexpended funds shall not lapse but shall be carried forward to the next fiscal year and shall be used for the same purpose.

Section 2. KRS 210.577 is amended to read as follows:

- (1) The commission created in KRS 210.575 shall meet at least quarterly~~[during the 2000-2001 biennium, at least biennially thereafter,]~~ or upon the call of the chair, the request of four (4) or more members, or the request of the Governor.
- (2) The commission shall serve in an advisory capacity to accomplish the following:
 - (a) Advise the Governor and the General Assembly concerning the needs of persons with mental retardation and other developmental disabilities;

- (b) Develop a statewide strategy to increase access to community-based services and supports for persons with mental retardation and other developmental disabilities. The strategy shall include:
1. Identification of funding needs and related fiscal impact; and
 2. Criteria that establish priority for services~~[for individuals approved for slots]~~ that consider timeliness and service needs;
- (c) Assess the need and potential utilization of specialized outpatient clinics for medical, dental, and special therapeutic services for persons with mental retardation and other developmental disabilities;
- (d) Evaluate the effectiveness of state agencies and public and private service providers, including nonprofit and for-profit service providers, in:
1. Dissemination of information and education;
 2. Providing outcome-oriented services; and
 3. Efficiently utilizing available~~[slots]~~ and resources, including blended funding streams;
- (e) Develop a recommended comprehensive ten (10) year plan for placement of qualified persons in the most integrated setting appropriate to their needs;
- (f) Recommend an effective quality assurance and consumer satisfaction monitoring program that includes recommendations as to the appropriate role of family members, persons with mental retardation and other developmental disabilities, and advocates in quality assurance efforts;~~[and]~~
- (g) ***Develop recommendations for the implementation of a self-determination model of funding services and supports as established under subsection (1) of Section 1 of this Act for persons who are receiving services or supports under the Supports for Community Living Program as of the effective date of this Act. The model shall include, but is not limited to, the following:***
1. ***The ability to establish an individual rate or budget for each person;***
 2. ***Mechanisms to ensure that each participant has the support and assistance necessary to design and implement a package of services and supports unique to the individual;***
 3. ***The ability to arrange services, supports, and resources unique to each person based upon the preferences of the recipient; and***
 4. ***The design of a system of accountability for the use of public funds.***
- The chairperson of the commission shall appoint an ad-hoc committee composed of commission members and other interested parties to develop the recommendations required by this paragraph; and***
- (h) Advise the Governor and the General Assembly on whether the recommendations should be implemented by administrative regulations or proposed legislation~~[for the 2002 General Assembly]~~.
- ~~(3) Within six (6) months after April 14, 2000, the secretary of the Cabinet for Health Services shall present the plan to the Governor and the members of the General Assembly.~~

~~(4)~~ The commission shall review the plan annually and shall submit annual updates no later than October 1 to the Governor and the Legislative Research Commission.

~~[(5) The commission shall cease to exist four (4) years after April 14, 2000, unless otherwise reauthorized by the General Assembly.]~~

SECTION 3. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

Section 1 of this Act may be cited as the Kevin Webb and Kim Brown Self-Determination Act.

Approved March 18, 2003