

**CHAPTER 138****(HB 296)**

AN ACT relating to the Kentucky Commission on Autism Spectrum Disorders.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky General Assembly finds that the various departments, agencies, and entities providing care and treatment to individuals with an autism spectrum disorder, otherwise known as ASD, often do so without the necessary collaboration or sharing of information on training, treatments, and services. The General Assembly declares that the purpose of Sections 1 and 2 of this Act is to establish:*
  - (a) *A commission to develop and monitor the implementation of a comprehensive state plan for an integrated system of training, treatments, and services for individuals of all ages with an ASD; and*
  - (b) *A timeline for implementing and monitoring the recommendations of the plan, as appropriate, in all geographic regions of the state.*
- (2) *As used in Sections 1 and 2 of this Act, "autism spectrum disorders" or "ASD" has the same meaning as "pervasive developmental disorders" in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition (DSM-IV). The term includes five (5) diagnostic subcategories:*
  - (a) *Autistic disorder;*
  - (b) *Asperger's disorder;*
  - (c) *Pervasive disorder not otherwise specified;*
  - (d) *Rett's disorder; and*
  - (e) *Childhood disintegrative disorder.*

SECTION 2. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO READ AS FOLLOWS:

- (1) *There is hereby created the Kentucky Commission on Autism Spectrum Disorders, which shall consist of the following twenty-three (23) members who shall be initially appointed by July 1, 2005:*
  - (a) *The secretary of the Cabinet for Health Services or his or her designee;*
  - (b) *The secretary of the Cabinet for Families and Children or his or her designee;*
  - (c) *The commissioner of the Department for Medicaid Services or his or her designee;*
  - (d) *The director of the Kentucky Early Intervention System, Department for Public Health or his or her designee;*
  - (e) *The commissioner of the Department for Mental Health and Mental Retardation Services or his or her designee;*
  - (f) *The director of the Office of Aging Services or his or her designee;*
  - (g) *The chair of the Council on Postsecondary Education or his or her designee;*

- (h) The director of the Division of Exceptional Children Services or his or her designee;*
  - (i) The commissioner of the Department of Vocational Rehabilitation or his or her designee;*
  - (j) The commissioner of the Department of Insurance or his or her designee;*
  - (k) Two (2) nonvoting ex officio members from the House of Representatives, one (1) representing the majority party and one (1) representing the minority party, who shall be appointed by and serve at the pleasure of the Speaker of the House;*
  - (l) Two (2) nonvoting ex officio members from the Senate, one (1) representing the majority party and one (1) representing the minority party, who shall be appointed by and serve at the pleasure of the President of the Senate;*
  - (m) Four (4) professional ASD treatment providers, including at least one (1) mental health provider, one (1) physical health provider, and one (1) complex needs consultant from a special education cooperative, to be appointed by the Governor; and*
  - (n) Five (5) parents, including three (3) who, at the time of their appointment to the commission, have a child with an ASD who is under eighteen (18) years of age and two (2) who, at the time of their appointment to the commission, have a child with an ASD who is eighteen (18) years of age or older, to be appointed by the Governor.*
- (2) In making appointments to the commission, the Governor shall ensure broad representation of Kentucky's citizens who are concerned with the health and quality of life of individuals with an ASD, may appoint individuals who are also members of the Kentucky Council on Developmental Disabilities, and shall consider candidates recommended by the Autism Spectrum Disorders Advisory Consortium of Kentucky.*
- (3) Members shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of commission duties in accordance with KRS 45.101 and administrative regulations promulgated thereunder. Members of the commission shall serve until the commission ceases to exist, a successor has been appointed, or until removed for good cause.*
- (4) The Cabinet for Health Services and the Cabinet for Families and Children shall provide staff and administrative support for the commission.*
- (5) The chair of the commission shall be designated by the Governor and may be a member in addition to those listed in subsection (1) of this section. The chair of the commission shall establish procedures for the commission's internal procedures.*
- (6) The commission shall meet at least three (3) times per year. The commission shall also meet as often as necessary to accomplish its purpose upon the call of the chair, the request of four (4) or more members, or the request of the Governor.*
- (7) The commission shall develop a comprehensive state plan for creating an integrated system of training, treatments, and services for individuals of all ages with an ASD. The commission shall utilize relevant data and research and consult with appropriate professionals, agencies, institutions, and organizations representing the private and public sectors, including the Kentucky Autism Training Center, to develop the state plan. The state plan shall include the following:*

- (a) *An assessment of the diverse needs for services and supports for individuals with an ASD;*
  - (b) *Identification of state, federal, private, and any other appropriate funding sources;*
  - (c) *Development of a comprehensive training plan, which shall include the Kentucky Autism Training Center, to meet training needs;*
  - (d) *An analysis of standards for provider training and qualifications, best practice standards for services, and the need for additional service providers;*
  - (e) *An evaluation of health benefit plans and insurance coverage for the treatment of ASD;*
  - (f) *A plan for the identification of individuals of all ages with an ASD and for the creation of a statewide ASD registry;*
  - (g) *An analysis of program and service eligibility criteria;*
  - (h) *An assessment of the need for coordinated, enhanced, and targeted special education and treatment programs for children with an ASD; and*
  - (i) *A timeline for implementing and monitoring the recommendations of the plan statewide. The timeline shall include input from the following:*
    - 1. *The Cabinet for Health Services;*
    - 2. *The Cabinet for Families and Children;*
    - 3. *The Department for Medicaid Services;*
    - 4. *The Department for Public Health;*
    - 5. *The Department for Mental Health and Mental Retardation Services;*
    - 6. *The Kentucky Early Intervention System;*
    - 7. *The Division of Exceptional Children Services;*
    - 8. *The Department of Vocational Rehabilitation;*
    - 9. *The Department of Insurance;*
    - 10. *The Department of Education;*
    - 11. *The Council on Postsecondary Education; and*
    - 12. *Other appropriate agencies, professionals, institutions and organizations representing the public and private sectors, including the Kentucky Autism Training Center.*
- (8) *Based upon the comprehensive state plan for an integrated system of training, treatment, and services for individuals of all ages with an ASD, the commission shall make recommendations regarding legislation, administrative regulations, and policies to the Governor and the General Assembly on the following:*
- (a) *Needs for services and supports for individuals who have an ASD;*
  - (b) *Funding needs and sources, including state, federal, private, and any other appropriate funding sources;*

- (c) *Training needs and a plan to implement a comprehensive training system, which shall include the Kentucky Autism Training Center;*
  - (d) *Standards for provider training and qualifications, best practice standards for services, and the need for additional providers;*
  - (e) *Goals for developing health benefit plans that provide insurance coverage for the treatment of ASD;*
  - (f) *A plan for the identification of individuals of all ages with an ASD and for the creation of a statewide ASD registry;*
  - (g) *Consistent program and service eligibility criteria;*
  - (h) *The need for coordinated, enhanced, and targeted special education and treatment programs for individuals with an ASD; and*
  - (i) *Strategies and timelines for establishing an accountable, cost efficient, and cooperative system of services that integrates and builds upon existing public and private agencies, programs, and resources.*
- (9) *The commission shall submit the comprehensive state plan and recommendations to the Governor, the Kentucky Council on Developmental Disabilities, and the Legislative Research Commission by October 1, 2006, at which time the commission shall cease to exist unless reauthorized by the General Assembly.*
- (10) *The Kentucky Council on Developmental Disabilities shall appoint a subcommittee, which shall include members of the commission, to monitor the implementation of the state plan as developed by the commission beginning October 1, 2006. The subcommittee shall prepare and the council shall submit a report to the Governor and Legislative Research Commission that assesses progress in the implementation of the state plan and that makes recommendations on the need for modifications to the state plan as developed by the Kentucky Commission on Autism Spectrum Disorders. The subcommittee shall prepare and the council shall submit the report as it deems appropriate, but no less than biennially, until October 1, 2015.*

Section 3. KRS 194A.135 is amended to read as follows:

- (1) The Kentucky Council on Developmental Disabilities is created within the cabinet.
- (2) The Kentucky Council on Developmental Disabilities is established to comply with the requirements of the Developmental Disabilities Act of 1984 and any subsequent amendment to that act.
- (3) The members of the Kentucky Council on Developmental Disabilities shall be appointed by the Governor to serve as advocates for persons with developmental disabilities. The council shall be composed of twenty-six (26) members.
  - (a) Ten (10) members shall be representatives of: the principal state agencies administering funds provided under the Rehabilitation Act of 1973 as amended; the state agency that administers funds provided under the Individuals with Disabilities Education Act (IDEA); the state agency that administers funds provided under the Older Americans Act of 1965 as amended; the single state agency designated by the Governor for administration of Title XIX of the Social Security Act for persons with developmental disabilities; higher education training facilities, each university-affiliated program or satellite center in the Commonwealth; and the protection and

advocacy system established under Public Law 101-496. These members shall represent the following:

1. Department for Vocational Rehabilitation;
  2. Department for the Blind;
  3. Division of Exceptional Children, within the Department of Education;
  4. Office of Aging Services;
  5. Department for Medicaid Services;
  6. Department of Public Advocacy, Protection and Advocacy Division;
  7. University-affiliated programs;
  8. Local and nongovernmental agencies and private nonprofit groups concerned with services for persons with developmental disabilities;
  9. Department for Mental Health and Mental Retardation Services; and
  10. Department for Public Health, Division of Adult and Child Health.
- (b) At least sixty percent (60%) of the members of the council shall be composed of persons with developmental disabilities or the parents or guardians of persons, or immediate relatives or guardians of persons with mentally impairing developmental disabilities, who are not managing employees or persons with ownership or controlling interest in any other entity that receives funds or provides services under the Developmental Disabilities Act of 1984 as amended and who are not employees of a state agency that receives funds or provides services under this section. Of these members, five (5) members shall be persons with developmental disabilities, and five (5) members shall be parents or guardians of children with developmental disabilities or immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves. Six (6) members shall be a combination of individuals in these two (2) groups, and at least one (1) of these members shall be an immediate relative or guardian of an institutionalized or previously institutionalized person with a developmental disability or an individual with a developmental disability who resides in an institution or who previously resided in an institution.
- (c) Members not representing principal state agencies shall be appointed for a term of three (3) years. Members shall serve no more than two (2) consecutive three (3) year terms. Members shall serve until their successors are appointed or until they are removed for cause.
- (d) The council shall elect its own chair, adopt bylaws, and operate in accordance with its bylaws. Members of the council who are not state employees shall be reimbursed for necessary and actual expenses. The cabinet shall provide personnel adequate to insure that the council has the capacity to fulfill its responsibilities. The council shall be headed by an executive director. If the executive director position becomes vacant, the council shall be responsible for the recruitment and hiring of a new executive director.
- (4) The Kentucky Council on Developmental Disabilities shall:
- (a) Develop, in consultation with the cabinet, and implement the state plan as required by Part B of the Developmental Disabilities Act of 1984, as amended, with a goal of

development of a coordinated consumer and family centered focus and direction, including the specification of priority services required by that plan;

- (b) Monitor, review, and evaluate, not less often than annually, the implementation and effectiveness of the state plan in meeting the plan's objectives;
  - (c) To the maximum extent feasible, review and comment on all state plans that relate to persons with developmental disabilities;
  - (d) Submit to the secretary of the cabinet, the commissioner of the Department for Mental Health and Mental Retardation Services, and the Secretary of the United States Department of Health and Human Services any periodic reports on its activities as required by the United States Department of Health and Human Services and keep records and afford access as the cabinet finds necessary to verify the reports;
  - (e) Serve as an advocate for individuals with developmental disabilities and conduct programs, projects, and activities that promote systematic change and capacity building;
  - (f) Examine, not less than once every five (5) years, the provision of and need for federal and state priority areas to address, on a statewide and comprehensive basis, urgent needs for services, supports, and other assistance for individuals with developmental disabilities and their families; and
  - (g) Prepare, approve, and implement a budget that includes amounts paid to the state under the Developmental Disabilities Act of 1984, as amended, to fund all programs, projects, and activities under that Act.
- (5) *The Kentucky Council on Developmental Disabilities shall appoint a subcommittee, which shall include members of the Kentucky Commission on Autism Spectrum Disorders, to monitor the implementation of the state plan as developed by the commission beginning October 1, 2006. The subcommittee shall prepare and the council shall submit the report as required under subsection (10) of Section 2 of this Act.*

**Approved March 18, 2005.**