

**CHAPTER 81****(SB 146)**

AN ACT relating to supported living.

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

Section 1. KRS 210.770 is amended to read as follows:

As used in KRS 210.770 to 210.795, unless the context otherwise requires:

- (1) "Mental impairment" includes mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;
- (2) "Person with a disability" means someone with a physical or mental impairment and includes individuals who have a record or history of an impairment, or are regarded as having a physical or mental impairment that substantially limits one (1) or more major life activities;
- (3) "Physical impairment" means any physiological disorder or corrective, cosmetic disfigurement, or an anatomical loss affecting one (1) or more of the following body systems: neurological, musculo-skeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine;
- (4) "Substantial limitation of a major life activity" includes limiting such things as walking, talking, seeing, hearing, caring for oneself, or working;
- (5) "**Hart-Supported Living Program**" means **grants which provide** a broad category of highly flexible, individualized services **which, when combined with natural unpaid or other eligible paid supports,**~~designed and coordinated in such a manner as to~~ provide the necessary assistance to do the following:
  - (a) Provide the support necessary to enable a person who is disabled to live in a home of the person's choice which is typical of those living arrangements in which persons without disabilities reside;
  - (b) Encourage the individual's integrated participation in the community with persons who are members of the general citizenry;
  - (c) Promote the individual's rights and autonomy;
  - (d) Enhance the individual's skills and competences in living in the community; and
  - (e) Enable the individual's acceptance in the community by promoting home ownership or leasing arrangements in the name of the individual or the individual's family or guardian;
- (6) "**Hart-Supported Living Program**" does not include **any services that support** the following ~~housing~~ arrangements:
  - (a) Segregated living models such as any housing situation which physically or socially isolates people with disabilities from general citizens of the community;
  - (b) **Segregated programs or activities which physically or socially isolate people with disabilities from general citizens of the community;**
  - (c) Congregate living models such as any housing situation which groups individuals with disabilities as an enclave within an integrated setting;
  - ~~(d)(e)~~ Any model where the individual, as an adult, does not have maximum control of the home environment commensurate with the individual's disabilities; and
  - ~~(e)(d)~~ Any single living unit where more than three (3) people with disabilities live;
- (7) "Supported living council" means a supported living council appointed by the Governor and recognized by the commissioner of the Department for Mental Health and Mental Retardation Services ~~to approve individual supported living plans~~; **and**
- (8) "Supported living services" include, but are not limited to:
  - (a) Supported living community resource developers;

- (b) Homemaker services;
- (c) Personal care services;
- (d) In-home training and home management assistance;
- (e) Start-up grants;
- (f) ~~Monthly stipends;~~
- ~~(g)~~ Transportation;
- (g)~~(h)~~ Home modifications;
- (h)~~(i)~~ Adaptive and therapeutic equipment; and
- (i)~~(j)~~ **Facilitation** ~~[An individual plan]~~ by an independent and trained facilitator **to develop and implement individualized life planning** ~~;~~ ~~and~~

~~(9) "Regional Supported Living Council" means a regional supported living council created under KRS 210.785.~~

Section 2. KRS 210.775 is amended to read as follows:

- (1) There is hereby created the State Supported Living Council for services to persons with a disability and their families.
- (2) (a) The State Supported Living Council shall be composed of **eleven (11)**~~ten (10)~~ members. The commissioner of the Department for Mental Health and Mental Retardation Services and the executive director of the Kentucky Housing Corporation or their designees shall be ex-officio members.
- (b) **Nine (9)**~~Eight (8)~~ of the members shall be volunteers and shall be appointed by the Governor from a list of nominees in the following manner:
  - 1. Three (3) of the appointed members shall represent family members of persons with a disability. ~~One (1) member shall be selected from each of three (3) lists containing two (2) nominees submitted by each of the following associations: the Kentucky Association for Retarded Citizens, the Association for Persons with Severe Handicaps, and the Mental Health Coalition;~~
  - 2. ~~One (1) of the appointed members shall represent family members of persons with a disability who reside in an intermediate care facility for mental retardation or developmental disabilities. The nominee shall be selected from a list containing two (2) nominees submitted by each of the following associations: Concerned Parents of Hazelwood, Parents and Relatives of Oakwood Facility, and Concerned Parents of Outwood;~~
  - 3. ~~Two (2) of the appointed members shall be persons with a disability. [They shall be selected from a list containing two (2) nominees submitted by each of the following associations: the Kentucky Campaign for Personal Attendant Care, the Kentucky Association for Retarded Citizens, the Mental Health Coalition, and the Kentucky Disabilities Coalition;]~~
  - 3. ~~One (1) of the appointed members shall represent professionals and providers of services to persons with a disability. [The nominee shall be selected from a list containing two (2) nominees submitted by each of the following associations: the Kentucky Association of Private Residential Resources and the Kentucky Association on Mental Retardation; and]~~
  - 4. ~~One (1) of the appointed members shall represent advocates for persons with a disability; and [The nominee shall be selected from a list containing two (2) nominees submitted by each of the following entities: the Division of Protection and Advocacy and the Kentucky Council on Developmental Disabilities.]~~
  - 5. **Two (2) of the appointed members shall represent the community at large.**
- (3) The appointed members may serve on the council for three (3) years **from the date of appointment**. Members may be reappointed for **one (1) additional consecutive three (3) year term**~~[a maximum of two (2) consecutive terms]~~. The Governor shall fill any vacancy occurring in the council in the manner prescribed in subsection (2) of this section.

- (4) The Department for Mental Health and Mental Retardation Services shall provide staff assistance to the State Supported Living Council.
- (5) The chairman of the State Supported Living Council shall be elected from among the members. A majority of the members shall constitute a quorum.
- (6) The State Supported Living Council shall meet as often as necessary but no less frequently than every other month.

Section 3. KRS 210.780 is amended to read as follows:

- (1) ~~Upon the appointment by the Governor of all members of~~ The State Supported Living Council ~~the council~~ shall **be responsible for making recommendations** ~~recommend~~ to the Department for Mental Health and Mental Retardation Services **for**:
  - (a) A budget and priorities for fund allocations for supported living services for persons with disabilities within the Commonwealth;
  - (b) Standards for quality assurance for persons with a disability who receive supported living services in accordance with KRS 210.770 to 210.795; **and**
  - (c) ***The procedure for annual review and approval of and funding recommendations for individual plans for Hart-Supported Living Program grants submitted by any person with a disability, and for the amendment of individual plans during a fiscal year.***
- ~~(2) The provisions of paragraph (b) of subsection (3) of this section shall be effective upon the members' appointment, and for two (2) years after July 14, 1992, at which time the provisions of KRS 210.785(2) shall apply.~~
- ~~(3)~~ The State Supported Living Council shall be responsible for:
  - (a) Disseminating information about **Hart-Supported Living Program grants** ~~services~~ available under KRS 210.770 to 210.795;
  - ~~(b) Reviewing, approving, and recommending expenditures for individual plans for supported living services submitted by the consumers and providers of supported living services to a regional community mental health mental retardation board;~~
  - ~~(c) Encouraging the creation of new providers of supported living services; and~~
  - ~~(d)~~ Hearing grievances and providing due process for consumers and providers of supported living services.
  - (c) ***Monitoring the overall effectiveness and quality of the program; and***
  - (d) ***Developing recommendations for improvements.***
- ~~(4) The State Supported Living Council shall not impose an individual service plan on any applicant who objects to the plan.~~
- ~~(3)~~~~(5)~~ The State Supported Living Council may recommend necessary administrative regulations under KRS Chapter 13A to carry out the purposes of KRS 210.770 to 210.795.

Section 4. KRS 210.790 is amended to read as follows:

- (1) Only a person with a disability who is a resident of Kentucky or whose family or guardian is a resident of Kentucky is eligible **to apply for a Hart-Supported Living Program grant** ~~services~~. The person may be living with a family member, independently, or be in a congregate setting and be eligible **to apply for a grant** ~~services~~. ***If funded, the applicant must maintain Kentucky residency as a condition of receiving grant funds or for the duration of the grant.***
- (2) Any eligible person with a disability who wants to apply for **a Hart-Supported Living Program grant** ~~services~~ may design and request a set of services in the amount, kind, frequency, and duration which is dependent upon the person's individual needs, and is consistent with the definition of **a Hart-Supported Living Program grant** under KRS 210.770.

- (3) Payments for *Hart-Supported Living Program grants*~~[services]~~ may be made directly to the person with a disability to enable the person to purchase a service,~~[or]~~ to the guardian of the person with a disability, *to a fiscal representative, to a*~~[or to the local]~~ service provider *agency*, or to any combination of these parties.
- (4) A license shall not be required for any supported living housing arrangement provided on a contractual basis.

Section 5. KRS 210.795 is amended to read as follows:

- (1) The Department for Mental Health and Mental Retardation Services in cooperation with the State Supported Living~~[ Services]~~ Council shall establish standards for *the administration of the Hart-Supported Living Program*~~[quality assurance for eligible persons who live in the community in supported living arrangements as defined in KRS 210.770]~~. The purpose of these standards is to ensure that a person with a disability receives supported living services in a manner that empowers the person to exercise choice and enhances the quality of that person's life. These standards shall promote the following:
- (a) *Choice over how, when, and by whom supports are provided and* ~~[Control]~~ over where and with whom a person with a disability lives;
  - (b) *Responsibility of the person with a disability and his or her representative for managing grants and the provision of supports under the grant;*
  - (c) *Freedom to live a meaningful life and to*~~[Opportunities to meaningfully]~~ participate in activities in the community with members of the general citizenry;
  - ~~(d)~~~~(e)~~ Enhancement of health *and safety*~~[through ongoing medical and dental care];~~
  - ~~(e)~~~~(d)~~ *Flexibility of*~~[Flexible]~~ services that change as the person's needs change without the individual having to move elsewhere for services;
  - ~~(f)~~~~(e)~~ Use of generic options *and natural supports*~~[such as home health aids, homemaker services, live in roommates or staff, community counselors, neighbors, family, and friends in the development of a supported living plan];~~
  - ~~(g)~~~~(f)~~ Well-planned and proactive opportunities to determine the kinds and amounts of support desired, with the meaningful participation of the individual, the individual's family or guardian where appropriate, friends, and professionals; and
  - ~~(h)~~~~(g)~~ Home ownership or leasing with the home belonging to the person with a disability, that person's family, or to a landlord to whom rent is paid.
- (2) The individual supported living plan shall be developed by the person with a disability and that person's family or guardian where appropriate, and, as appropriate, the proposed or current provider.
- ~~(3) [The individual supported living plan shall document assistance and support required by the person with a disability in the following eight (8) areas:~~
- ~~(a) — Choice and options;~~
  - ~~(b) — Personal income;~~
  - ~~(c) — Housing;~~
  - ~~(d) — Health;~~
  - ~~(e) — Safety;~~
  - ~~(f) — Appearance and hygiene;~~
  - ~~(g) — Relating to others; and~~
  - ~~(h) — Activities.~~
- ~~(4)]~~ The Department for Mental Health and Mental Retardation in concert with the State Supported Living Council shall promulgate administrative regulations under KRS Chapter 13A, if necessary, to establish the methods of *awarding Hart-Supported Living Program grants for individual supported living plans and* monitoring the quality of service delivery, and to provide for administrative appeal of decisions. Administrative hearings conducted on appeals shall be conducted in accordance with KRS Chapter 13B.

Section 6. The following KRS section is repealed:

210.785 Regional supported living councils -- Duties.

**Approved March 28, 2006.**