

CHAPTER 18

(SB 185)

AN ACT relating to 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 Advisory Council on Autism Spectrum Disorders is hereby created and shall be attached to the Office of Autism within the Cabinet for Health and Family Services for administrative purposes.*
- (2) *The Advisory Council on Autism Spectrum Disorders shall consist of the following members appointed by the Governor:*
 - (a) *One (1) representative from the Department for Public Health;*
 - (b) *One (1) representative from the Department for Medicaid Services;*
 - (c) *One (1) representative from the Department for Community Based Services;*
 - (d) *One (1) representative from the Department for Public Advocacy;*
 - (e) *One (1) representative from the Department of Education;*
 - (f) *One (1) representative from the Department of Juvenile Justice;*
 - (g) *One (1) representative from the Department for Behavioral Health, Developmental and Intellectual Disabilities;*
 - (h) *One (1) representative from the Commission for Children with Special Health Care Needs;*
 - (i) *One (1) parent or youth representative from the Commonwealth Council on Developmental Disabilities;*
 - (j) *One (1) representative from the Kentucky Autism Training Center;*
 - (k) *One (1) representative from the Office of Vocational Rehabilitation;*
 - (l) *One (1) representative from the University of Louisville;*
 - (m) *One (1) representative from the University of Kentucky Human Development Institute;*
 - (n) *One (1) representative from the University of Kentucky;*
 - (o) *One (1) representative from the Center for Autism Spectrum Evaluation, Service, and Research;*
 - (p) *One (1) representative from the Education Professional Standards Board;*
 - (q) *One (1) pediatrician representative;*
 - (r) *One (1) representative from the Weisskopf Child Evaluation Center;*
 - (s) *One (1) representative from the First Steps Program;*
 - (t) *One (1) representative from the Arc of Kentucky;*
 - (u) *The director of the Office of Autism;*
 - (v) *At least one (1) consumer representative, an adult with a diagnosis on the autism spectrum; and*
 - (w) *Five (5) citizen-at-large members.*
- (3) *The co-chairs of the Advisory Council on Autism Spectrum Disorders shall be the representatives appointed by the Governor from the University of Kentucky and the University of Louisville.*
- (4) *The Advisory Council on Autism Spectrum Disorders may invite individuals who are not members to serve on committees and workgroups.*
- (5) *Appointed members of the Advisory Council on Autism Spectrum Disorders shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of duties in accordance with KRS 45.101 and administrative regulations promulgated thereunder. Members of the*

council shall initially be appointed to serve staggered terms and thereafter shall be appointed to serve a term of four (4) years.

- (6) *The Cabinet for Health and Family Services, the Personnel Cabinet, the Finance and Administration Cabinet, and the Office of the State Budget Director shall take all necessary actions to effectuate this section.*
- (7) *The Advisory Council on Autism Spectrum Disorders shall be responsible for:*
- (a) *Promoting the vision for Kentucky's services and supports to persons on the autism spectrum and their families and advocating for improved quality and evidence-based practices for persons on the autism spectrum and their families;*
 - (b) *Promoting the early screening, identification, early intervention, and appropriate use of evidence-based practices and standards of care for persons on the autism spectrum across the lifespan;*
 - (c) *Strengthening state, regional, and local level collaboration and coordination with families, self-advocates, support groups, and state agencies to further coordinate, develop, and enhance the service delivery system for persons on the autism spectrum across the lifespan;*
 - (d) *Gathering and analyzing research and data to assess the quality and availability of programs and services for persons on the autism spectrum and providing recommendations on assessments, interventions, and treatment modalities across the lifespan;*
 - (e) *Developing recommendations for:*
 - 1. *Increasing participation in existing federal, state, and local programs that serve children, youth, and adults on the autism spectrum;*
 - 2. *Enhancing the current professional development and planning for future workforce development to incorporate research and evidence-based practices;*
 - 3. *Establishing standards of care and undertaking efforts to ensure promotion of these standards statewide; and*
 - 4. *Promoting the development of services and supports to transition youth and adults on the autism spectrum;*
 - (f) *Assessing the capacity and effectiveness of institutes of higher education in the state toward supporting the development of the workforce for persons on the autism spectrum;*
 - (g) *Requesting and utilizing federal, state, and private funds, including funds from philanthropic sources;*
 - (h) *Improving procedures for ensuring accountability and measuring success of programs that receive state, federal, and philanthropic funds;*
 - (i) *Obtaining reports and issuing progress updates on state and federally funded services that impact the quality of Kentucky's system of care for persons on the autism spectrum;*
 - (j) *Completing a biennial report with the Office of Autism and submitting it to the Commonwealth Council on Developmental Disabilities, the Governor, and the Legislative Research Commission. The first report shall be due on or before September 30, 2017, and subsequent reports shall be due each September 30 in odd-numbered years thereafter; and*
 - (k) *Other duties and responsibilities as designated by the Governor.*

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

- (1) *The Office of Autism is hereby created within the Cabinet for Health and Family Services.*
- (2) *The Office of Autism may be housed at the University of Louisville and the University of Kentucky, by agreement of the parties.*

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

- (1) The Commonwealth Council on Developmental Disabilities is created within the cabinet.
- (2) The Commonwealth 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 Commonwealth 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. Office of Vocational Rehabilitation;
 2. Office for the Blind;
 3. Division of Exceptional Children, within the Department of Education;
 4. Department for Aging and Independent Living;
 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 Behavioral Health, Developmental and Intellectual Disabilities; and
 10. Department for Public Health, Division of Maternal 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 Commonwealth 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 Behavioral Health, Developmental and Intellectual Disabilities, 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 Commonwealth 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 KRS 194A.622 (10).}~~

➔Section 4. The following KRS sections are repealed:

194A.620 Legislative findings -- Purpose -- Definition.

194A.622 Kentucky Commission on Autism Spectrum Disorders -- Membership -- Administrative support -- Meetings -- Comprehensive state plan on training, treatments, and services -- Advisory and monitoring functions.

➔Section 5. The General Assembly confirms Executive Order 2015-397, dated June 23, 2015, which establishes the Advisory Council on Autism Spectrum Disorders, to the extent it is not otherwise confirmed or superseded by this Act.

Signed by Governor April 1, 2016.