

AN ACT relating to reorganization.

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 an intellectual disability, 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, 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 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) 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) Any single living unit where more than three (3) people with disabilities live;
- (7) "Hart-Supported Living Council" means a supported living council appointed by the Governor and recognized by the secretary~~commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities~~; and
- (8) "Hart-supported living services" include but are not limited to:
- (a) Hart-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) Transportation;
 - (g) Home modifications;

- (h) Adaptive and therapeutic equipment; and
- (i) Facilitation by an independent and trained facilitator to develop and implement individualized life planning.

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

- (1) There is hereby created the Hart-Supported Living Council for services to persons with a disability and their families.
- (2) (a) The Hart-Supported Living Council shall be composed of eleven (11) members. The secretary~~commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities~~ and the executive director of the Kentucky Housing Corporation or their designees shall be ex officio members.
- (b) Nine (9) 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;
 - 2. Two (2) of the appointed members shall be persons with a disability;
 - 3. One (1) of the appointed members shall represent professionals and providers of services to persons with a disability;
 - 4. One (1) of the appointed members shall represent advocates for persons with a disability; and
 - 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. The Governor shall fill any vacancy occurring in the council in the manner prescribed in subsection (2) of this section.
- (4) The cabinet~~Department for Behavioral Health, Developmental and Intellectual~~

~~Disabilities~~] shall provide staff assistance to the Hart-Supported Living Council.

- (5) The chairman of the Hart-Supported Living Council shall be elected from among the members. A majority of the members shall constitute a quorum.
- (6) The Hart-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) The Hart-Supported Living Council shall be responsible for making recommendations to the cabinet~~[Department for Behavioral Health, Developmental and Intellectual Disabilities]~~ 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 Hart-Supported Living Council shall be responsible for:
 - (a) Disseminating information about Hart-Supported Living Program grants available under KRS 210.770 to 210.795;
 - (b) 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.
- (3) The Hart-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 210.795 is amended to read as follows:

- (1) The ~~cabinet~~ ~~[Department for Behavioral Health, Developmental and Intellectual Disabilities]~~, in cooperation with the Hart-Supported Living Council, shall establish standards for the administration of the Hart-Supported Living Program. 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 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 participate in activities in the community with members of the general citizenry;
 - (d) Enhancement of health and safety;
 - (e) Flexibility of services that change as the person's needs change without the individual having to move elsewhere for services;
 - (f) Use of generic options and natural supports;
 - (g) 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) 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 cabinet~~[Department for Behavioral Health, Developmental and Intellectual Disabilities]~~, in concert with the Hart-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 5. The General Assembly hereby confirms Executive Order 2014-988, dated December 17, 2014, which reorganizes the Cabinet for Health and Family Services by establishing the Division of Program Integrity within the Department for Behavioral Health, Developmental and Intellectual Disabilities.