

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1965

5 By: Representative Leding
6

For An Act To Be Entitled

8 AN ACT TO REQUIRE THE DEPARTMENT OF HUMAN SERVICES TO
9 DEVELOP AND SUBMIT A PLAN FOR TRANSITIONING THE
10 PROVISION OF SERVICES FOR RESIDENTS OF STATE
11 FACILITIES FOR INDIVIDUALS WITH DEVELOPMENTAL
12 DISABILITIES , INCLUDING HUMAN DEVELOPMENT CENTERS
13 AND INTERMEDIATE CARE FACILITIES FOR THE MENTALLY
14 RETARDED, TO THE MOST INTEGRATED SETTINGS APPROPRIATE
15 TO THEIR NEEDS; AND FOR OTHER PURPOSES.
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Subtitle

18 TO DEVELOP A PLAN FOR TRANSITIONING
19 SERVICES FOR DEVELOPMENTALLY DISABLED TO
20 THE MOST INTEGRATED SETTINGS.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 20, Chapter 48, is amended to add an
27 additional subchapter to read as follows:

28 Subchapter 10 – Transitioning of Services To The Most Integrated
29 Settings
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31 20-48-1001. Definitions.

32 As used in this subchapter:

33 (1) “Community settings” means an individual residential home or
34 a community-based residential home licensed by the Division of Developmental
35 Disabilities Services of the Department of Human Services that provides room
36 and board, personal care, habilitation services, and supervision in a single-



1 family environment for not more than sixteen (16) individuals with
 2 developmental disabilities or in a multifamily environment for more than
 3 sixteen (16) individuals with developmental disabilities;.

4 (2) "Crisis Intervention" means services delivered in the
 5 participant's place of residence or other local community site by a mobile
 6 intervention team or professional which are targeted to provide technical
 7 assistance and training in the areas of specifically identified behaviors;

8 (3) "Home and Community-Based Services Waiver" means the state
 9 program authorized to provide a continuum of home and community-based
 10 services to an individual with developmental disabilities and created by the
 11 State of Arkansas under the authority of 1915(c) of the Social Security Act;

12 (4)(A) "Institutional setting" means a state facility for
 13 individuals with developmental disabilities, including human development
 14 centers and intermediate care facilities for the mentally retarded.

15 (B) "Institutional setting" does not mean a community-
 16 based residential home under § 20-48-603;

17 (5) "Medicaid" means the medical assistance program established
 18 by Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq., as it
 19 existed on January 1, 2011, and administered by the Division of Medical
 20 Services of the Department of Human Services; and

21 (6) "Resident" means an individual who permanently resides in a
 22 n institutional setting, including an individual who:

23 (A) Entered the institutional setting voluntarily,
 24 including entering a Human Development Center by voluntary admission under §
 25 20-48-406(b);

26 (B) Was placed in the institutional setting by a parent or
 27 legal guardian;

28 (C) Was committed by order of the court;

29 (D) Was transferred into a human development center from
 30 an institution other than a human development center; or

31 (E) Received a permit to leave any human development
 32 center under § 20-48-409 and has not been discharged from the institutional
 33 setting.

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 35 20-48-1002. Plan for transitioning the provision of services.

36 (a)(1) On or before December 31, 2012, the Department of Human

1 Services shall create a plan for transitioning the provision of services for
2 residents of state facilities for individuals with developmental
3 disabilities, including human development centers and intermediate care
4 facilities for the developmentally disabled, to the most integrated settings
5 appropriate to their needs.

6 (2) The plan created under subdivision (a)(1) of this section
7 shall incorporate the recommendations of the Governor's Integrated Services
8 Task Force and the subsequent report published by the Olmstead Working Group
9 that was submitted to the Governor on February 15, 2001.

10 (3) While developing the plan created under subdivision (1) of
11 this section, the department shall contract with a reputable independent
12 third party to conduct a study and develop a plan identifying mechanisms to
13 serve persons currently living in state institutions in the community.

14 (4) Alternatives for the best use of existing facilities and
15 options for optimal use of the human development center workforce, including
16 plans for retraining and subsequent job placement assistance, shall be
17 included in this plan.

18 (5) Upon completion of the plan created under subdivision (a)(1)
19 of this section, the plan shall be submitted to the Governor, the Senate
20 Public Health, Welfare, and Labor Committee, the House Public Health,
21 Welfare, and Labor Committee, the Senate Committee on State Agencies and
22 Governmental Affairs, and the House Committee on State Agencies and
23 Governmental Affairs.

24 (b) Based on an assessment of individual needs and preferences, the
25 plan created under subdivision (1) of this section shall contain
26 recommendations for each resident identifying:

27 (1) Services in the most integrated setting appropriate for each
28 resident in the community of his or her choice;

29 (2) The cost of providing necessary services in community
30 settings for each individual;

31 (3) Barriers that prohibit the individual from being served in
32 the community; and

33 (4) A timetable for transitioning the provision of services for
34 residents of state developmental disabilities facilities.

35 (c)(1) If institutional settings are recommended for a resident in a
36 written plan of habilitation, the plan shall identify ways to address the

1 recommendation, particularly for a court-committed resident who may pose a
2 danger to himself or herself or to others.

3 (2) The plan required under subdivision (c)(1) of this section
4 shall include without limitation:

5 (A) Assurance that every option for community placement
6 has been explored and an extensive review of the recommendation for continued
7 institutional placement has been conducted by a recognized consumer advocacy
8 organization;

9 (B) An overview of contemporary best practices in serving
10 individuals with developmental disabilities;

11 (C) Research, data, and trends from Arkansas and
12 nationwide regarding residential settings for individuals with developmental
13 disabilities, including quality-of-life studies and information compiled on
14 the desires and preferences of individuals with developmental disabilities;

15 (D) An evaluation of options for permanent full-time state
16 employees to work at the facilities, including the availability of training
17 and other assistance that may be useful, essential, or required; and

18 (E) A recommendation regarding a minimum number of hours
19 per year for training under subdivision (c)(2)(D) of this section.

20 (d) The plan required under subdivision (c)(1) of this section shall
21 identify:

22 (1) Alternative uses for state-owned facility property while
23 considering economic development opportunities in the community and providing
24 for the involvement of local residents in determining the most appropriate
25 use of the property;

26 (2) The total cost, including the federal financial
27 participation provided through Medicaid and the matching amount provided by
28 the state;

29 (3) Cost savings, including the federal financial participation
30 provided through Medicaid and the matching amount provided by the state;

31 (4) The time frame for realization of such cost savings
32 including both operating and any capital costs and realized savings of
33 implementing the plan recommendations;

34 (5) Potential sources of funds to support the transition plan
35 including any and all state and federal incentives currently available for
36 deinstitutionalization;

1 (6) For any cost savings realized, the number of individuals
 2 currently on the Division of Developmental Disabilities Services and Home and
 3 Community-Based Services Waiver waiting list who could be served using the
 4 funds;

5 (7) Any legal obstacles, including any involving the guardians
 6 of residents, to implementing the plan;

7 (8) Any mechanisms either currently available or that are needed
 8 to address identified obstacles, including regulatory or statutory changes;

9 (9) Any services, including crisis intervention, that would have
 10 to be developed or enhanced to successfully support individuals in the
 11 community; and

12 (10) A proposed schedule for implementation of the plan with the
 13 goal of shifting provision of services to the community for every resident,
 14 except those identified in subsection (c) of this section by January 1, 2018.

15 (e)(1) All long-term admissions to state-run intermediate care
 16 facilities for individuals with developmental disabilities shall cease
 17 operations upon the effective date of this subchapter.

18 (2) Any expansion, renovation, or remodeling of state-owned
 19 facilities for the developmentally disabled not immediately necessary to
 20 protect the health or well-being of residents shall not be implemented, and a
 21 contract for construction of or at a state-owned facility for individuals
 22 with developmental disabilities shall not be entered into or put out for bid
 23 until completion of the plan required under this subchapter.

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