

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Mahony**

A Bill

ACT 937 OF 1993
HOUSE BILL 1442

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 20-14-503 TO REFLECT
9 CHANGES IN FEDERAL LAW; TO AMEND ARKANSAS CODE 20-14-508
10 TO CHANGE THE COMPOSITION OF THE STATE INTERAGENCY
11 COORDINATION COUNCIL; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO CHANGE THE COMPOSITION OF THE STATE INTERAGENCY
15 COORDINATION COUNCIL."

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. Arkansas Code 20-14-503 is amended to read as follows:

20 "20-14-503. Statewide system of programs - Minimum requirements.

21 (a) A statewide system of coordinated, comprehensive,
22 multidisciplinary, interagency programs providing appropriate early
23 intervention services to all developmentally delayed infants and toddlers and
24 their families shall include the minimum components under subsection (b) of
25 this section.

26 (b) The statewide system required by subsection (a) of this section
27 shall include, at a minimum:

28 (1) A definition of the term developmentally delayed that will
29 be used by the state in carrying out programs under this section;

30 (2) Timetables for ensuring appropriate early intervention
31 services available to all developmentally delayed infants and toddlers in the
32 state consistent with the federal timetables for the implementation of Public
33 Law 99-457;

34 (3) A timely, comprehensive, multidisciplinary evaluation of the
35 functioning of each developmentally delayed infant and toddler in the state
36 and the needs of the families to appropriately assist in the development of

1 the developmentally delayed infant or toddler;

2 (4) For each developmentally delayed infant and toddler in the
3 state, an individualized family service plan in accordance with federal
4 regulations under Public Law 99-457, including case management services in
5 accordance with the service plan;

6 (5) A comprehensive child-find system, consistent with federal
7 requirements, including a system for making referrals to service providers
8 that includes timelines and provides for the participation by primary referral
9 sources;

10 (6) A public awareness program focusing on early identification
11 of infants and toddlers with developmental disabilities;

12 (7) A central directory which includes early intervention
13 services, resources, and experts available in the state and research and
14 demonstration projects being conducted in the state;

15 (8) A comprehensive system of personnel development;

16 (9) A single line of responsibility in a lead agency designated
17 or established by the Governor for carrying out:

18 (A) The general administration and supervision of programs
19 and activities receiving assistance under Public Law 99-457, and the
20 monitoring of programs and activities used by the state to carry out Part H of
21 Public Law 99-457 whether or not such programs or activities receive Part H
22 assistance, to ensure that the state complies with the requirements of Part H
23 of Public Law 99-457;

24 (B) The identification and coordination of all available
25 resources within the state from federal, state, local, and private sources;

26 (C) The assignment of financial responsibility to the
27 appropriate agency;

28 (D) The development of procedures to ensure that services
29 are provided to infants and toddlers with disabilities and their families in a
30 timely manner pending the resolution of any disputes between public agencies
31 or service providers;

32 (E) The resolution of intra- and interagency disputes; and

33 (F) The entry into formal interagency agreements that
34 define the financial responsibility of each agency for paying for early
35 intervention services, consistent with state law, and procedures for resolving

1 disputes that include all additional components necessary to ensure meaningful
2 cooperation and coordination;

3 (10) A policy pertaining to the contracting or making of other
4 arrangements with service providers to provide early intervention services in
5 the state, consistent with the provisions of this section, including the
6 contents of the application used and the conditions of the contract or other
7 arrangements;

8 (11) A procedure for securing timely reimbursement of funds;

9 (12) Procedural safeguards with respect to programs; and

10 (13) Policies and procedures relating to the establishment and
11 maintenance of standards to ensure that personnel necessary to carry out this
12 subchapter are appropriately and adequately prepared and trained, including:

13 (A) The establishment and maintenance of standards which
14 are consistent with any state-approved or recognized certification, licensing,
15 registration, or other comparable requirements which apply to the area in
16 which personnel are providing early intervention services; and

17 (B) To the extent the standards are not based on the
18 highest requirements in the state applicable to a specific profession or
19 discipline, the steps the state is taking to require the retraining or hiring
20 of personnel who meet appropriate professional requirements in the state;

21 (14) A system for compiling data on the numbers of infants and
22 toddlers with disabilities and their families in the state in need of
23 appropriate early intervention services, which may be based on a sampling of
24 data, the number of such infants and toddlers and their families served, the
25 types of services provided, which may be based on a sampling of data, and
26 other information required by the Secretary of the Department of Education;

27 (15) A process for increasing early intervention services and
28 developing services in unserved areas by giving existing providers an
29 opportunity to provide additional services in their service areas and by
30 implementing a request for proposal process for developing services in areas
31 where there is no existing provider; and

32 (16) (A) An interagency agreement entered into by the Department
33 of Health and the Department of Human Services providing that the names and
34 addresses from birth records of the infants or toddlers and their families
35 who, based on the information ascertainable from those birth records, are

1 eligible for early intervention services shall be made available between these
2 agencies.

3 (B) The agency requesting or receiving confidential
4 information pursuant to such interagency agreement shall take appropriate
5 measures to protect and maintain the confidentiality of the information and
6 shall not release or disclose such information, except as necessary to
7 accomplish the objectives of the system."

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9 SECTION 2. Arkansas Code 20-14-508(a) and (b) are amended to read as
10 follows:

11 "(a) (1) A State Interagency Council composed of at least fifteen (15)
12 members with a maximum of twenty-five (25) members shall be established.

13 (2) The council and the co-chairpersons of the council shall be
14 appointed by the Governor. One (1) co-chairperson shall be the parent of a
15 child specified in subsection (b) (1) of this section. In making appointments
16 to the council, the Governor shall ensure that the membership of the council
17 reasonably represents the population of the state.

18 (b) The council shall be composed of the following:

19 (1) At least twenty percent (20%) of the membership shall include
20 parents, including minorities, of infants and toddlers with a disability, or a
21 child with a disability who is twelve (12) years of age or younger; with
22 knowledge of or experience with programs for infants and toddlers with
23 disabilities; and at least two (2) of the members shall be a parent of a child
24 who is six (6) years of age or under;

25 (2) At least twenty percent (20%) of the members shall be public
26 or private providers of early intervention services, and providers of early
27 intervention services include providers of general day care services in which
28 early intervention services are provided;

29 (3) At least one (1) representative from the General Assembly;

30 (4) At least one (1) person involved in personnel preparation;

31 (5) The directors of the Arkansas Department of Health, the
32 Arkansas Department of Education, and the Arkansas Department of Human
33 Services;

34 (6) At least one (1) member must be from the state agency
35 responsible for the state governance of insurance, especially in the area of

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