

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

A Bill

HOUSE BILL

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

1 and the needs of the families to appropriately assist in the development of
2 the developmentally delayed infant or toddler;

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

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

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

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

16 (8) A comprehensive system of personnel development;

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

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

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

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

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

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

34 (F) The entry into formal interagency agreements that
35 define the financial responsibility of each agency for paying for early

1 intervention services, consistent with state law, and procedures for resolving
2 disputes that include all additional components necessary to ensure meaningful
3 cooperation and coordination;

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

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

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

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

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

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

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

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

33 (16) (A) An interagency agreement entered into by the Department
34 of Health and the Department of Human Services providing that the names and
35 addresses from birth records of the infants or toddlers and their families

1 who, based on the information ascertainable from those birth records, are
2 eligible for early intervention services shall be made available between these
3 agencies.

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

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

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

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

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

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

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

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

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

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

35 (6) At least one (1) member must be from the state agency

1 responsible for the state governance of insurance, especially in the area of
2 health insurance;

3 (7) Other members representing each of the appropriate agencies
4 involved in the provision of or payment for early intervention services to
5 infants and toddlers with a disability and their families and others selected
6 by the Governor; and

7 (8) The members of the council shall not receive compensation for
8 their services as members but shall receive reimbursement for necessary
9 expenses incurred in connection with the performance of their duties as
10 council members."

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12 SECTION 3. All provisions of this act of a general and permanent nature
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 4. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

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22 SECTION 5. All laws and parts of laws in conflict with this act are
23 hereby repealed.

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