

**ARKANSAS SENATE**  
83rd General Assembly - Regular Session, 2001  
**Amendment Form**

\*\*\*\*\*

**Subtitle of Senate Bill No. 880**

"AN ACT TO PROVIDE FOR INTEGRATED PUBLIC SERVICES FOR INDIVIDUALS  
WITH DISABILITIES IN ACCORDANCE WITH THE UNITED STATES SUPREME  
COURT'S OLMSTEAD DECISION."

\*\*\*\*\*

**Amendment No. 3 to Senate Bill No. 880.**

Amend Senate Bill No. 880 as engrossed, S3/13/01:

Delete Sections 2 and 3 and substitute the following:

"SECTION 2. Accommodating persons with disabilities.

(a) Persons with disabilities must be provided the option of declining particular accommodations.

(b) In determining where to provide treatment to persons with disabilities, public entities may generally rely on the reasonable assessments of their own professionals in determining whether an individual meets the essential eligibility requirements for habilitation in a home or community-based program.

(c) In the allocation of available resources, public entities may decline to make home or community-based services immediately available to persons with disabilities if the provision of those services would be inequitable, given the responsibility the public entity has undertaken for the care and treatment of a large and diverse population of persons with disabilities.

(d) It is reasonable for public entities to ask persons with disabilities to wait until home or community-based services are available, provided that the public entity has a comprehensive, effectively working plan for placing qualified persons with disabilities in less restrictive settings, and a waiting list for home or community-based services that moves at a reasonable pace not controlled by the public entity's endeavors to keep its institutions fully populated.

SECTION 3. Responsibilities of public entities.

(a) Public entities shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

(b) To that end, public entities shall provide home or community-based services instead of institutional treatment for persons with disabilities if:

(1) The public entity's treatment professionals determine that

the treatment is appropriate;

(2) The affected persons do not oppose the treatment; and

(3) The treatment can be reasonably accommodated, taking into account the resources available to the public entity and the needs of others with disabilities."

**The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_**

**By: Senator Gullett**

**LH/MHF - 032020011139**

**MHF936**

\_\_\_\_\_  
**Secretary**