

Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

Amendment Form

Subtitle of House Bill No. 2494

"TO ADOPT NEW STANDARDS FOR EXPANDING COMMUNITY-BASED
DEVELOPMENTAL DISABILITIES SERVICES AND FOR IMPLEMENTING NEW
DEVELOPMENTAL DISABILITIES SERVICES."

Amendment No. 1 to House Bill No. 2494.

Amend House Bill No. 2494 as originally introduced:

Delete everything after the ENACTING clause and substitute the following:

"SECTION 1. Arkansas Code § 20-48-101 is amended to read as follows:
20-48-101. Definitions.

As used in this chapter, ~~unless the context otherwise requires:~~

(1)(A) "Accredited nonprofit entity" means a nonprofit entity
that:

(i) Has successfully completed an ongoing
accreditation process that is related to the delivery of services to persons
with developmental disabilities and is offered by a national accrediting
organization;

(ii) Satisfies the appropriate licensure criteria
established by Division of Developmental Disabilities of the Department of
Health and Human Services; and

(iii) Is positioned to provide nonresidential
services to persons with developmental disabilities upon licensure by the
division because no existing nonprofit community provider is interested in
providing the specific category of nonresidential services to persons with
developmental disabilities that has been identified by the division as
underserved.

(B) As used in subdivision (1)(A)(i), "national
accrediting organization" includes without limitation:

(i) The Commission for the Accreditation of
Rehabilitation Facilities; or

(ii) Any other similar national accrediting
organization recognized by the division;

(2) "Developmental disability" means a disability of a person
which that:

(A)(i) Is attributable to mental retardation, cerebral
palsy, epilepsy, or autism;

(ii) Is attributable to any other condition of a



person found to be closely related to mental retardation because ~~it~~ the condition results in an impairment of general intellectual functioning or adaptive behavior similar to ~~those of mentally retarded persons~~ that of a person with mental retardation or requires treatment and services similar to ~~those required for such persons~~ that required for a person with mental retardation; or

(iii) Is attributable to dyslexia resulting from a disability described in ~~subdivision (1)(A)~~ subdivision (2)(A)(i) of this section or subdivision (2)(A)(ii) of this section;

(B) Originates before the person attains the age of twenty-two (22) years;

(C) Has continued or can be expected to continue indefinitely; and

(D) Constitutes a substantial handicap to the person's ability to function without appropriate support services, including, but not limited to, planned recreational activities, medical services such as physical therapy and speech therapy, and possibilities for sheltered employment or job training;

~~(2) "Developmentally disabled person" means a person with a developmental disability; and~~

(3) "Existing operations" means the provision by a qualified nonprofit community provider of one (1) or more of the following services without regard to order:

(A) A developmental day treatment clinic services preschool program or adult development program;

(B) A licensed developmental disability services group home in operation and recognized by the division on or before July 1, 1995; or

(C) An intermediate care facility for the mentally retarded program with fifteen (15) beds or less; or

(D) An apartment complex in operation and serving individuals with developmental disabilities on or before January 1, 2008;

~~(3)-(4)~~ (4) "Human development center" means an institution maintained for the care and training of persons with developmental disabilities;

(5)(A) "Nonprofit community program" means a program that provides nonresidential services to persons with developmental disabilities or nonresidential and residential services to persons with developmental disabilities and is licensed by the division.

(B) A nonprofit community program serves as a quasi-governmental instrumentality of the state by providing support and services to persons who have a developmental disability or delay and would otherwise require support and services through state-operated programs and facilities; and

(6)(A) "Qualified nonprofit community program" means a nonprofit community program that holds a valid nonprofit community program license issued by the division.

(B) "Qualified nonprofit community program" includes:

(i) A nonprofit community program that holds a license that was issued by the division on or before February 1, 2007; and

(ii) An accredited nonprofit entity that is awarded a license as a nonprofit community program by the division after February 1,

2007.

SECTION 2. Arkansas Code § 20-48-103 is amended to read as follows:
20-48-103. Purpose – Use of certain funds.

It is the specific recommendation of the General Assembly that the Division of Developmental Disabilities Services utilize Title XIX, social services block grant, and state grants-in-aid funds available to ~~community programs~~ nonprofit community programs to seek to achieve the following goals:

(1) Providing for operation of ~~community-based residential programs~~ nonprofit community programs which the state agency encouraged the ~~community programs~~ nonprofit community programs to build with nonstate funds;

(2) Determination by the division of reasonable costs for the services provided by ~~community-based programs~~ nonprofit community programs with consideration of regional expense variations and funding so that the state shall provide a minimum of ninety percent (90%) of the reasonable costs, with the community based program responsible for no more than ten percent (10%) of the costs; and

(3) That the state not reduce reasonable cost funding of ~~community-based programs~~ nonprofit community programs or require reimbursement from community based programs if the program matches at a rate of at least ten percent (10%) of the funding provided by the division.

SECTION 3. Arkansas Code § 20-48-105 is amended to read as follows:
20-48-105. ~~Community-based service providers~~ Nonprofit community programs – Extension or expansion of services.

~~(a)(1) In the event that existing services now funded from state or federal funds are extended to unserved or underserved areas of the state or in the event that new services are made available to be funded from state or federal funds, the existing nonprofit community programs licensed by the Division of Developmental Disabilities Services shall be granted an opportunity to make application to expand their service base to unserved or underserved areas or shall be granted an opportunity to make application to offer new services in their existing service area.~~

~~(2) In areas in which the division determines that state or federal funding for new or expanded services is to be available, it shall provide notice of its intent to provide the services to existing providers in the area and to the general public.~~

~~(3) Before licensing new service providers in an area, the division shall determine in writing that existing service providers are not qualified or are unable or unwilling to extend services to unserved or underserved areas or to provide new or expanded services.~~

~~(4) Nothing in this section shall restrict the division's discretion to award new or expanded services to the existing community-based service providers making application pursuant to this section.~~

~~(b) The intent of this section is to avoid unnecessary duplication of costs and services in the extension or expansion of services.~~

~~(c) Nonprofit community programs licensed by the division are quasi-governmental instrumentalities of the state which provide support and services to individuals who have a developmental disability or delay who would otherwise require support and services in facilities owned and operated by the State of Arkansas.~~

(a)(1) The intent of this section is to avoid unnecessary duplication

of costs and services in the extension or expansion of nonresidential services to persons with developmental disabilities.

(2) A designation by the Division of Developmental Disabilities of the Department of Health and Human Services that a county is underserved with regard to a specific category of nonresidential services to persons with developmental disabilities establishes that an extension or expansion of nonresidential services to persons with developmental disabilities in the underserved county is necessary.

(b)(1)(A) The division shall not issue a new license for operation of a nonprofit community program or approve an application from a nonprofit community program to implement additional nonresidential services to persons with developmental disabilities that are not currently offered by the nonprofit community program unless the division has determined that:

(B)(i) A county of the state is underserved with regard to a specific category of nonresidential services currently offered to persons with developmental disabilities and currently funded from available state or federal funds; or

(ii)(a) A county of the state is underserved with regard to new services not currently available to persons with developmental disabilities and new services should be made available to persons with developmental disabilities; and

(b) State or federal funds are available in amounts necessary to support the delivery of new services not currently available to persons with developmental disabilities.

(2)(A) The division shall provide written notice by certified mail of its designation under subdivision (b)(1) of this section to all nonprofit community programs with existing operations in the county designated by the division as underserved.

(B) If nonprofit community programs with existing operations in the county that do not currently offer the specific category of nonresidential services identified by the division as underserved determine not to extend or expand the identified nonresidential service to persons with developmental disabilities in the underserved county, the division shall provide written notice by certified mail of its designation under subdivision (b)(1) of this section to all nonprofit community programs in the remainder of the state.

(C) If all nonprofit community programs in the remainder of the state determine not to extend or expand the identified nonresidential service to persons with developmental disabilities in the underserved county, the division shall provide notice to the general public in a newspaper of statewide general circulation.

(c) In granting an approval under this section, the division shall give approval in the following order of preference:

(1) A qualified nonprofit community program with existing operations in the county that does not currently offer the specific category of nonresidential services to persons with developmental disabilities identified by the division as underserved;

(2) A qualified nonprofit community program from another county in the state;

(3) An accredited nonprofit entity in the underserved county;

(4) An accredited nonprofit entity from another county in the state; and

(5) An accredited nonprofit entity from outside the state.

(d)(1)(A) A license from the division is required for operation of a nonprofit community program.

(B) A qualified nonprofit community program is required to apply to and obtain the approval of the division to implement additional nonresidential services to persons with developmental disabilities that are not currently offered by the qualified nonprofit community program.

(2)(A) If an application is approved, the division shall issue a new license or service expansion approval if it finds that the proposed nonresidential service expansion meets the criteria for approval established by the division.

(B) If the application is denied, the division shall send written notice of the denial to the applicant that sets forth the criteria that the proposed nonresidential service expansion failed to meet.

SECTION 2. Arkansas Code 20-48-701 is amended to read as follows:
20-48-701. Finding.

The General Assembly finds that the State of Arkansas contracts with nonprofit community-based programs serving individuals with developmental disabilities as quasi-governmental instrumentalities of the state in order to provide a service that the state would otherwise provide for this population through state-operated programs and facilities.”

The Amendment was read _____
By: Representative Cooper
MGF/CDS - 03-16-2007 10:47
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Chief Clerk