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

A Bill

HOUSE BILL 1965

5
6 By: Representative Leding

7 Filed with: Interim House Committee on Public Health, Welfare and Labor
8 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

9
10 AN ACT TO REQUIRE THE DEPARTMENT OF HUMAN SERVICES TO
11 DEVELOP AND SUBMIT A PLAN FOR TRANSITIONING THE
12 PROVISION OF SERVICES FOR RESIDENTS OF STATE
13 FACILITIES FOR INDIVIDUALS WITH DEVELOPMENTAL
14 DISABILITIES , INCLUDING HUMAN DEVELOPMENT CENTERS
15 AND INTERMEDIATE CARE FACILITIES FOR THE MENTALLY
16 RETARDED, TO THE MOST INTEGRATED SETTINGS APPROPRIATE
17 TO THEIR NEEDS; AND FOR OTHER PURPOSES.
18

Subtitle

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

30 Subchapter 10 – Transitioning of Services To The Most Integrated
31 Settings

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33 20-48-1001. Definitions.

34 As used in this subchapter:

35 (1) “Community settings” means an individual residential home or
36 a community-based residential home licensed by the Division of Developmental

1 Disabilities Services of the Department of Human Services that provides room
2 and board, personal care, habilitation services, and supervision in a single-
3 family environment for not more than sixteen (16) individuals with
4 developmental disabilities or in a multifamily environment for more than
5 sixteen (16) individuals with developmental disabilities;.

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

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

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

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

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

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

25 (A) Entered the institutional setting voluntarily,
26 including entering a Human Development Center by voluntary admission under §
27 20-48-406(b);

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

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

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

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

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1 20-48-1002. Plan for transitioning the provision of services.

2 (a)(1) On or before December 31, 2012, the Department of Human
3 Services shall create a plan for transitioning the provision of services for
4 residents of state facilities for individuals with developmental
5 disabilities, including human development centers and intermediate care
6 facilities for the developmentally disabled, to the most integrated settings
7 appropriate to their needs.

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

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

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

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

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

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

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

33 (3) Barriers that prohibit the individual from being served in
34 the community; and

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

1 (c)(1) If institutional settings are recommended for a resident in a
2 written plan of habilitation, the plan shall identify ways to address the
3 recommendation, particularly for a court-committed resident who may pose a
4 danger to himself or herself or to others.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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28 Referred by the Arkansas House of Representatives

29 Prepared by: MGF/VJF

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