

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007

# A Bill

HOUSE BILL 2494

4  
5 By: Representative Cooper  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT TO ADOPT NEW STANDARDS FOR EXPANDING  
10 COMMUNITY-BASED DEVELOPMENTAL DISABILITIES  
11 SERVICES AND FOR IMPLEMENTING NEW DEVELOPMENTAL  
12 DISABILITIES SERVICES; AND FOR OTHER PURPOSES.  
13

## Subtitle

14  
15 TO ADOPT NEW STANDARDS FOR EXPANDING  
16 COMMUNITY-BASED DEVELOPMENTAL  
17 DISABILITIES SERVICES AND FOR  
18 IMPLEMENTING NEW DEVELOPMENTAL  
19 DISABILITIES SERVICES.  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code § 20-48-101 is amended to read as follows:  
25 20-48-101. Definitions.

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

27 (1) "Developmental disability" means a disability of a person  
28 which:

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

31 (ii) Is attributable to any other condition of a  
32 person found to be closely related to mental retardation because ~~it~~ the  
33 condition results in an impairment of general intellectual functioning or  
34 adaptive behavior similar to those of mentally retarded persons or requires  
35 treatment and services similar to ~~those required for such persons~~ that  
36 required for a person who is mentally retarded; or



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

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

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

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

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

14 ~~(3)(2)~~ "Human development center" means an institution  
15 maintained for the care and training of persons with developmental  
16 disabilities;

17 (3)(A) "Nonprofit community program" means a program that  
18 provides services to persons with developmental disabilities and is licensed  
19 by the Division of Developmental Disabilities of the Department of Health and  
20 Human Services.

21 (B) A nonprofit community program serves as a quasi-  
22 governmental instrumentality of the state by providing support and services  
23 to persons who:

24 (i) Have a developmental disability or delay; and

25 (ii) Would otherwise require support and services in  
26 a facility owned and operated by the state; and

27 (4) "Qualified nonprofit community program" means a nonprofit  
28 community program that:

29 (A) Holds a valid nonprofit community program license that  
30 was issued by the division on or before February 1, 2007; or

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

35 (ii) As used in this subdivision (4), "National  
36 accrediting organization" includes without limitation:

- 1    (a) The Commission on Accreditation of
- 2 Rehabilitation Facilities;
- 3    (b) The Joint Commission; and
- 4    (c) Any other similar national accrediting
- 5 organization recognized by the division.

6

7            SECTION 2. Arkansas Code § 20-48-103 is amended to read as follows:  
 8            20-48-103. Purpose – Use of certain funds.

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

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

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

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

26

27            SECTION 3. Arkansas Code § 20-48-105 is amended to read as follows:  
 28            20-48-105. ~~Community-based service providers~~ Nonprofit community  
 29 programs – Extension or expansion of services.

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

1 ~~offer new services in their existing service area.~~

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

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

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

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

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

20 (a) A qualified nonprofit community program may apply to expand its  
 21 current services to persons with developmental disabilities or implement new  
 22 services to persons with developmental disabilities in accordance with  
 23 subsection (b) of this section if the Division of Developmental Disabilities  
 24 Services of the Department of Health and Human Services determines that:

25 (1) An area of the state is underserved with regard to services  
 26 to persons with developmental disabilities currently being funded from  
 27 available state or federal funds; or

28 (2) New services to persons with developmental disabilities  
 29 should be offered in the state and that state or federal funds are available  
 30 in sufficient amounts to support the delivery of the new services to persons  
 31 with developmental disabilities.

32 (b)(1) A qualified nonprofit community program shall obtain the  
 33 approval of the division to expand its current services to persons with  
 34 developmental disabilities or to implement new services to persons with  
 35 developmental disabilities.

36 (2) In granting an approval under this subsection, the division

1 shall consider applications in the following order of preference:

2 (A) A qualified nonprofit community program with existing  
3 operations in the underserved area or the new service area that provides:

4 (i) A developmental day-treatment clinic services  
5 preschool program;

6 (ii) A developmental day-treatment clinic services  
7 adult development program;

8 (iii) An intermediate care facility for the mentally  
9 retarded program with fifteen (15) beds or fewer; or

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

13 (v) An apartment complex in operation and serving  
14 individuals with developmental disabilities on or before January 1, 2007;

15 (B) A qualified nonprofit entity with existing operations  
16 in the underserved area or the new service area;

17 (C) A qualified nonprofit community program from another  
18 area of the state; and

19 (D) A qualified nonprofit community program from outside  
20 the state.

21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36