

Regular Session, 1989

HOUSE BILL NO. 1380

ACT 378

BY REPRESENTATIVES HAIK, ANSARDI, FORSTER, GARRITY, HERRING, JETSON, LEMOINE, S.J. THERIOT, DEWITT, AND IRVIN AND SENATORS NELSON, CROSS, FIELDS, HINTON, LANDRY, AND MCPHERSON

AN ACT

To enact R.S. 28:752(13) and Chapter 13 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:821 through 824, relative to services for developmentally disabled children and adults and their families; to provide for legislative intent and definitions; to provide for principles of care; to provide for the development of a Community and Family Support System plan by the Louisiana State Planning Council on Developmental Disabilities; to provide for implementation of the plan by the Department of Health and Hospitals with the cooperation of the Department of Social Services, and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:752(13) and Chapter 13 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:821 through 824, are hereby enacted to read as follows:

§752. Responsibilities

The responsibilities of the council shall include but not be limited to the following:

* * *

(13) To Develop and monitor implementation of the Community and Family Support System plan (R.S. 28:821 et seq.).l

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CHAPTER 13. COMMUNITY & FAMILY SUPPORT SYSTEM

§821. Findings and purpose

A. The Legislature of Louisiana finds that services for persons with developmental disabilities should be responsive to the needs of the individual and his family, rather than fitting the person into existing programs. The Legislature further finds that it is more cost effective to provide services to adults and children with developmental disabilities living in their own homes or with their families rather than in out-of-home placements.

B. The Legislature declares that the purpose of this Chapter 13 is to establish that:

(1) Children, regardless of the severity of their disability, need families and enduring relationships with adults in a nurturing home environment. As with all children, children with developmental disabilities need families and family relationships to develop to their fullest potential. Parents of children with developmental disabilities shall be afforded freedom of choice as to placement of their child, in accordance with R.S. 28:380 et seq.

(2) Adults with developmental disabilities should be afforded the opportunity to make decisions for themselves and to live in typical homes and communities where they can exercise their full rights and responsibilities as citizens.

C. It is the intention of the Legislature that the State of Louisiana adhere to the principles contained in this Chapter in program planning, development, funding, and implementation for persons with developmental disabilities and their families. It is the further intention of the Legislature that the Department of Health and Hospitals and the Department of Social Services work cooperatively to implement the Community and Family Support System Plan developed by the Louisiana State Planning Council on Developmental Disabilities pursuant to this Chapter.

§1822. Definitions

The following definitions shall apply:

(1) "Adult" means an individual eighteen years of age or older.

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(2) "Cash subsidy" means a monetary payment to eligible families of children with developmental disabilities to offset the costs of services and equipment.

(3) "Child" means an individual under the age of eighteen.

(4) "Community supports" means those supports and services that enable an adult with developmental disabilities to live in the residence of his choice. Community supports shall include but not be limited to the following:

(a) Dental and medical care that not otherwise covered.

(b) Respite care.

(c) Recreation.

(d) Homemaker services.

(e) Transportation

(f) Personal assistance services.

(g) Home health services.

(h) Therapeutic and nursing services.

(i) Home and vehicle modifications.

(j) Equipment and supplies.

(k) Counseling services.

(l) Communication services.

(m) Crisis intervention.

(n) Specialized utility costs.

(o) Vocational and employment supports.

(p) Specialized utility costs.

(q) Specialized nutrition and clothing.

(r) Service coordination.

(5) "Developmental disabilities" means a severe, chronic disability of a person which:

(a) Is attributed to a mental or physical impairment or combination of mental and physical impairments.

(b) Is manifested before the person attains age twenty-two.

(c) Is likely to continue indefinitely.

(d) Results in substantial functional limitations in three or more of the following areas of major life activity:

(i) Self care.

(ii) Receptive and expressive language.

(iii) Learning.

(iv) Mobility.

(v) Self-direction.

(vi) Capacity for independent living.

(vii) Economic self-sufficiency.

(e) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

(6) "Equipment and supplies" means mobility aids, prosthetics, sensory aids, equipment to maintain medical treatment or health, including disposable supplies and durable items, and assistive technology devices to increase, maintain, or improve functional capabilities of persons with disabilities.

(7) "Family supports" means those supports that enable a family to keep their child with developmental disabilities at home. Family supports shall include, but not be limited to the following:

(a) Dental and medical care that are not otherwise covered.

(b) Respite care.

(c) Recreation.

(d) Homemaker services.

(e) Transportation

(f) Personal assistance services.

(g) Home health services.

(h) Therapeutic and nursing services.

- (i) Home and vehicle modifications.
- (j) Equipment and supplies.
- (k) Counseling services.
- (l) Communication services.
- (m) Crisis intervention.
- (n) Specialized utility costs.
- (o) Day care.
- (p) Specialized diagnosis and evaluation.
- (q) Specialized nutrition and clothing.
- (r) Parent education and training.
- (s) Service coordination.

(8) "Personal assistance services" means services which are required by a person with a severe disability to achieve greater physical and communicative independence. Such services include, but are not limited to assistance related to the following:

(a) Routine bodily functions, such as bowel or bladder care.

- (b) Dressing.
- (c) Preparation and consumption of food.
- (d) Housecleaning and laundry.
- (e) Moving in and out of bed.
- (f) Routine bathing.
- (g) Ambulation.
- (h) Any other similar activity of daily living.

(9) "Service coordination" means a lifelong, goal-oriented process for coordination of the range of services needed and wanted by persons with developmental disabilities and their families.

(10) "Specialized utility costs" means costs related to various extraordinary energy needs, such as electricity and gas, and other utilities, such as water and telephone, to enable a person with a disability to live at home.

(11) "Substitute family" means placement of a child in a family other than his natural or adoptive family.

(12) "Therapeutic services" means occupational, physical, speech and language, respiratory, vision, and other therapies to increase, maintain, or improve the functional capabilities of persons with disabilities.

§823. Principles

The following ideals should be the guiding principles for the development of a Community and Family Support System plan:

(1) The family of each child with developmental disabilities shall be provided the support necessary so that the child may live in a stable family environment in an enduring relationship with one or more adults regardless of the severity of the disability of the child or the degree of support necessary.

(2) Adults with developmental disabilities should receive the supports necessary to enable them to achieve their maximum potential through increased independence, productivity, and integration into the community.

(3) The family support system shall be flexible, individualized, and family centered.

(4) The needs of the entire family shall be considered in the development of the individualized family supports.

(5) The family support system recognizes that families are best able to determine their own needs, rather than having their needs determined by the state or an agency.

(6) Adults with developmental disabilities should have supports and services provided in the community to meet their needs wherever the individual chooses to live and work.

(7) The system shall have a program of outreach so that families may obtain family support at the time they learn of their child's disability, and so that people are aware of the availability of community supports when the need arises.

(8) The system shall support and strengthen existing informal social networks and natural supports in addition to professional support services.

(9) The system shall promote the use of existing community resources.

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(10) Out-of-home placement of children shall be used only after parents are given the option of choosing family support services.

(11) The system shall be flexible to insure that unanticipated needs are met and that the provision of supports and services is not limited to the location and types of existing services.

(12) A cash subsidy should be made available to eligible families for any of the purposes contained within the plan in order to enhance the family support system.

§824. Community and Family Support System plan

A. The Louisiana State Planning Council on Developmental Disabilities shall develop a plan to implement a Community and Family Support System in accordance with the principles contained in this Chapter. The Secretary of the Department of Health and Hospitals shall allocate funds from existing resources to provide staff support to the council for the development of the plan. The council may appoint an advisory committee as necessary to assist in the development of the plan. The advisory committee shall include representation of parents of children or adults now residing in an intermediate care facility for the mentally retarded.

B. The plan shall address the following issues:

(1) Budgetary recommendations with specific emphasis on cost effectiveness in providing services to those who qualify.

(2) Eligibility criteria.

(3) Methods of service provision.

(4) Sliding fee scale.

(5) Application procedures.

(6) Service coordination system.

(7) Performance indicators that will measure the effectiveness of the Community and Family Support System.

C. The plan shall be coordinated with the plans of the Mental Retardation and Developmental Disabilities Services System (R.S. 28:380 et seq), the

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Handicapped Infants and Toddlers Programs (P.L. 99-457 Part H), the Child and Adolescent Service Systems Program (R.S. 28:801 et seq), the Comprehensive Mental Health Plan Act of 1986 (P.L. 99-660), and other activities of the Louisiana State Planning Council on Developmental Disabilities (R.S. 28:750 et sea).

D. The council shall submit the plan to the secretary of the Department of Health and Hospitals and the secretary of the Department of Social Services by August 1, 1990. The secretaries shall review and approve the plan and submit it for review and approval to the House Committee on Health and Welfare and the Senate Committee on Health and Welfare and submit the plan to the Joint Legislative Committee on the Budget by September 1, 1990. Any changes made in the plan by the secretaries shall be so indicated.

E. The secretary of the Department of Health and Hospitals, with any necessary cooperation from the secretary of the Department of Social Services, shall begin implementation of the Community and Family Support System plan by July 1, 1991.

F. The council shall monitor the implementation of the plan, and shall report its findings annually to the House Committee on Health and Welfare and the Senate Committee on Health and Welfare, for review and approval, and to the secretary of the Department of Social Services until the plan is fully implemented.

G. The plan shall provide for full implementation of the Community and Family Support System by July 1, 1993.

H. The council shall submit a report evaluating the effectiveness of the plan and its implementation to the House Committee on Health and Welfare, for review and approval, the Senate Committee on Health and Welfare, for review and approval, the Secretary of the Department of Health and Hospitals, and the secretary of the Department of Social Services prior to the convening of the 1998 Regular Session of the Legislature.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: 6-29-89