

Regular Session, 2001

ACT No. 638

HOUSE BILL NO. 1767

BY REPRESENTATIVE HOPKINS

AN ACT

To amend and reenact R.S. 28:750(A)(introductory paragraph) and (1) and (B)(introductory paragraph), 751(1), (2), (4), (5), and (6), 752(5) and (6), and 753(A) and R.S. 36:259(L) and to enact R.S. 28:751(7) and (8) and 752(17), relative to the Louisiana State Planning Council on Developmental Disabilities; to change the name of the council to the Louisiana Developmental Disabilities Council; to provide for definitions; to provide for responsibilities of the council; to provide for an increase in membership of the council; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:750(A)(introductory paragraph) and (1) and (B)(introductory paragraph), 751(1), (2), (4), (5), and (6), 752(5) and (6), and 753(A) are hereby amended and reenacted and R.S. 28:751(7) and (8) and 752(17) are hereby enacted to read as follows:

CHAPTER 10. LOUISIANA ~~STATE PLANNING COUNCIL~~
~~ON DEVELOPMENTAL DISABILITIES COUNCIL~~

§750. Purpose and establishment of Louisiana ~~State Planning Council~~
~~on Developmental Disabilities Council~~

A. The purpose of this Chapter is to establish the Louisiana ~~State Planning Council~~ ~~on Developmental Disabilities Council~~ to coordinate, monitor, plan, and evaluate those services, other assistance, and opportunities necessary to enable persons with developmental disabilities to achieve their maximum potential through:

- (1) Increased self-determination, independence, productivity, and integration and inclusion into the community, and

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B. The Louisiana ~~State Planning Council~~ ~~on Developmental Disabilities Council~~ is hereby established within the Department of Health and Hospitals to serve as an advocate for persons with developmental disabilities. The council shall:

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§751. Definitions

For purposes of this Chapter:

(1) "Council" means Louisiana ~~State Planning Council~~ ~~on Developmental Disabilities Council~~.

(2) "Developmental disability" means:

(a) A severe, chronic disability of a person which:

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

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

(c) (iii) Is likely to continue indefinitely.

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

~~(i)~~ (aa) Self-care.

~~(ii)~~ (bb) Receptive and expressive language.

~~(iii)~~ (cc) Learning.

~~(iv)~~ (dd) Mobility.

~~(v)~~ (ee) Self-direction.

~~(vi)~~ (ff) Capacity for independent living.

~~(vii)~~ (gg) Economic sufficiency.

~~(e)~~ (v) 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.

(b) A substantial developmental delay or specific congenital or acquired condition, in an individual from birth to age nine, inclusive, which, without services and support, has a high probability of resulting in those criteria in Subparagraph (a) of this Paragraph later in life may be considered to be a developmental disability.

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(4) "Inclusion" as used with respect to individuals with developmental disabilities, means the acceptance and encouragement of the presence and participation of individuals with developmental disabilities, by individuals without disabilities, in social, educational, work, and community activities, that enables individuals with developmental disabilities to:

(a) Have friendship and relationships with individuals and families of their own choice.

(b) Live in homes close to community resources, with regular contact with individuals without disabilities in their communities.

(c) Enjoy full access to and active participation in the same community activities and types of employment as individuals without disabilities.

(d) Take full advantage of their integration into the same community resources as individuals without disabilities, living, learning, working, and enjoying life in regular contact with individuals without disabilities.

~~(4)~~ (5) "Independence" means the extent to which persons with developmental disabilities exert control and choice over their own lives.

~~(5)~~ "Integration" means:

~~(a)(i) The use by persons with developmental disabilities of the same community resources that are used by and available to other citizens.~~

~~(ii) The participation by persons with developmental disabilities in the same community activities in which nondisabled citizens participate, together with regular contact with nondisabled citizens.~~

~~(b) The residency by persons with developmental disabilities in homes or in home-like settings which are in proximity to community resources, together with regular contact with nondisabled citizens in their communities.~~

(6) "Integration" when used with respect to individuals with developmental disabilities, means exercising the equal right of individuals with developmental disabilities to access and use the same community resources as are used by and available to other individuals.

~~(6)~~ (7) "Productivity" means:

(a) Engagement in income-producing work by a person with developmental disabilities which is measured through improvements in income level, employment status, or job advancement.

(b) Engagement by a person with developmental disabilities in work which contributes to a household or community.

(8) "Self-determination activities" means activities that result in individuals with developmental disabilities with appropriate assistance, having:

(a) The ability and opportunity to communicate and make personal decisions.

(b) The ability and opportunity to communicate choices and exercise control over the type and intensity of services, support, and other assistance the individuals receive.

(c) The authority to control resources to obtain needed services, support, and other assistance.

(d) Opportunities to participate in, and contribute to, their communities.

(e) Support, including financial support, to advocate for themselves and others, to develop leadership skills, through training in self-advocacy, to participate in coalitions, to educate policymakers, and to play a role in the development of public policies that affect individuals with developmental disabilities.

§752. Responsibilities

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

* * *

(5) To ~~cooperate~~ collaborate with the Louisiana Protection and Advocacy System.

(6) To ~~encourage and support research and prevention efforts.~~
collaborate with the University Center for Excellence in Developmental Disabilities Education, Research, and Service.

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(17) The council shall implement the state plan by conducting and supporting advocacy, capacity building, and systemic change activities such as those described below:

(a) The council may support and conduct outreach activities to identify individuals with developmental disabilities and their families who otherwise might not come to the attention of the council and assist and enable the individuals and families to obtain services, individualized support, and other forms of assistance, including access to special adaptation of generic community services or specialized services.

(b) The council may support and conduct training for persons who are individuals with developmental disabilities, their families, and personnel, including professionals, paraprofessionals, students, volunteers, and other community members, to enable such persons to obtain access to, or to provide, community services, individualized support, and other forms of assistance, including special adaptation of generic community services or specialized services for individuals with developmental disabilities and their families. To the extent that the council supports or conducts training activities under this Subparagraph, such activities shall contribute to the achievement of the purpose of this Chapter.

(c) The council may support and conduct technical assistance activities to assist public and private entities to contribute to the achievement of the purpose of this Chapter.

(d) The council may support and conduct activities to assist neighborhoods and communities to respond positively to individuals with developmental disabilities and their families:

(i) By encouraging local networks to provide informal and formal supports.

(ii) Through education.

(iii) By enabling neighborhoods and communities to offer such individuals and their families access to and use of services, resources, and opportunities.

(e) The council may support and conduct activities to promote interagency collaboration and coordination to better serve, support, assist, or advocate for individuals with developmental disabilities and their families.

(f) The council may support and conduct activities to enhance coordination of services with:

(i) Other councils, entities, or committees, authorized by federal or state law concerning individuals with disabilities, such as the state interagency coordinating council established under Subtitle (C) of the Individuals with Disabilities Education Act, 20 U.S.C. 1431 et seq., the State Rehabilitation Council and the Statewide Independent Living Council established under the Rehabilitation Act of 1973, 29 U.S.C. 701 et seq., the state mental health planning council established under Subtitle (B) of Title XIX of the Public Health Service Act, 42 U.S.C. 300x-1 et seq., and the activities authorized under Section 101 or 102

of the Assistive Technology Act of 1998, 29 U.S.C. 3011, 3012, and entities carrying out other similar councils, entities, or committees.

(ii) Parent training and information centers under Part (D) of the Individuals with Disabilities Education Act, 20 U.S.C. 1451 et seq., and other entities carrying out federally funded projects that assist parents of children with disabilities.

(iii) Other groups interested in advocacy, capacity building, and systemic change activities to benefit individuals with disabilities.

(g) The council may support and conduct activities to eliminate barriers to access and use of community services by individuals with developmental disabilities, enhance systems design and redesign, and enhance citizen participation to address issues identified in the state plan.

(h) The council may support and conduct activities to educate the public about the capabilities, preferences, and needs of individuals with developmental disabilities and their families and to develop and support coalitions that support the policy agenda of the council, including training in self-advocacy, education of policymakers, and citizen leadership skills.

(i) The council may support and conduct activities to provide information to policymakers by supporting and conducting studies and analysis, gathering information and developing and disseminating model policies and procedures, information, approaches, strategies, findings, conclusions, and recommendations. The council may provide the information directly to federal, state, and local policymakers, including congress, the federal executive branch, the governors, state legislatures, and state agencies, in order to increase the ability of such

policymakers to offer opportunities and to enhance or adapt generic services to meet the needs of, or provide specialized services to individuals with developmental disabilities and their families.

(j) The council may support and conduct, on a time-limited basis, activities to demonstrate new approaches to serving individuals with developmental disabilities that are a part of an overall strategy for systemic change. The strategy may involve the education of policymakers and the public about how to deliver effectively, to individuals with developmental disabilities and their families, services, supports, and assistance that contribute to the achievement of the purpose of this Chapter. The council may carry out this Subparagraph by supporting and conducting demonstration activities through sources of funding other than funding provided under this Chapter, and by assisting entities conducting demonstration activities to develop strategies for securing funding from other sources.

(k) The council may support and conduct other advocacy, capacity building, and systemic change activities to promote the development of a coordinated, consumer and family-centered, consumer and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that contribute to the achievement of the purpose of this Chapter.

§753. Membership

A. Council members shall be appointed by the governor. Membership of the council shall not exceed ~~twenty-four~~ twenty-eight persons. At least ~~one-half~~ sixty percent of the membership of the council shall consist of ~~persons with developmental disabilities or parents or guardians of such persons.~~ individuals with developmental

disabilities, parents or guardians of children with developmental disabilities, or immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves. Of this ~~half~~ sixty percent of the council, ~~at least~~ one-third shall be persons with developmental disabilities, ~~and at least~~ one-third shall be parents or guardians of children with developmental disabilities or immediate relatives or guardians of persons adults with mentally impairing developmental disabilities who cannot advocate for themselves, and one-third shall be a combination of those described above. At least one of these individuals shall be an immediate relative or guardian of an ~~institutionalized or previously institutionalized person with a developmental disability.~~ individual with a developmental disability who resides or previously resided in an institution or shall be an individual with a developmental disability who resides or previously resided in an institution.

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Section 2. R.S. 36:259(L) is hereby amended and reenacted to read as follows:

§259. Transfer of agencies and functions to Department of Health and Hospitals

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L. The Louisiana ~~State Planning Council~~ on Developmental Disabilities Council (R.S. 28:750 et seq.) is placed within the Department of Health and Hospitals and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S.

36:801.1. The council shall have full appointing authority for all personnel purposes.

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Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____