

1 AMENDMENT TO HOUSE BILL 2437

2 AMENDMENT NO. _____. Amend House Bill 2437, AS AMENDED,
3 with reference to page and line numbers of House Amendment
4 No. 1, on page 1, by replacing lines 13 through 20 with the
5 following:

6 "Section 10. Application of Act; definitions. This Act
7 applies to persons with disabilities. The disabilities
8 included are defined for purposes of this Act as follows:

9 "Disability" means a disability as defined by the
10 Americans with Disabilities Act of 1990 that is attributable
11 to a developmental disability, a mental illness, or a
12 physical disability, or combination of those.

13 "Developmental disability" means a disability that is
14 attributable to mental retardation or a related condition. A
15 related condition must meet all of the following conditions:

- 16 (1) It must be attributable to cerebral palsy,
17 epilepsy, or autism, or any other condition (other than
18 mental illness) found to be closely related to mental
19 retardation because that condition results in impairment
20 of general intellectual functioning or adaptive behavior
21 similar to that of individuals with mental retardation,
22 and requires treatment or services similar to those
23 required for those individuals.

1 (2) It must be manifested before the individual
2 reaches age 22.

3 (3) It must be likely to continue indefinitely.

4 (4) It must result in substantial functional
5 limitations in 3 or more of the following areas of major
6 life activity: self-care, language, learning, mobility,
7 self-direction, and capacity for independent living.

8 "Mental illness" means a mental or emotional disorder
9 verified by a diagnosis contained in the Diagnostic and
10 Statistical Manual of Mental Disorders-Fourth Edition,
11 published by the American Psychiatric Association (DSM-IV) or
12 International Classification of Diseases, 9th Revision,
13 Clinical Modification (ICD-9-CM) that substantially impairs a
14 person's cognitive, emotional, or behavioral functioning, or
15 any combination of those, excluding (i) conditions that may
16 be the focus of clinical attention but are not of sufficient
17 duration or severity to be categorized as a mental illness,
18 such as parent-child relational problems, partner-relational
19 problems, sexual abuse of a child, bereavement, academic
20 problems, phase-of-life problems, and occupational problems
21 (collectively, "V codes"), (ii) organic disorders such as
22 substance intoxication dementia, substance withdrawal
23 dementia, Alzheimer's disease, vascular dementia, dementia
24 due to HIV infection, and dementia due to Creutzfeld-Jakob
25 disease and disorders associated with known or unknown
26 physical conditions such as hallucinosis, amnesic disorders
27 and delirium, psychoactive substance-induced organic
28 disorders, and (iii) mental retardation or psychoactive
29 substance use disorders.

30 "Mental retardation" means significantly sub-average
31 general intellectual functioning existing concurrently with
32 deficits in adaptive behavior and manifested before the age
33 of 22 years. "Significantly sub-average" means an
34 intelligence quotient (IQ) of 70 or below on standardized

1 measures of intelligence. This upper limit could be extended
2 upward depending on the reliability of the intelligence test
3 used.

4 "Physical disability" means a disability as defined by
5 the Americans with Disabilities Act of 1990 that meets the
6 following criteria:

7 (1) It is attributable to a physical impairment.

8 (2) It results in a substantial functional
9 limitation in 3 or more of the following areas of major
10 life activity: (i) self-care, (ii) receptive and
11 expressive language, (iii) learning, (iv) mobility, (v)
12 self-direction, (vi) capacity for independent living, and
13 (vii) economic sufficiency.

14 (3) It reflects the person's need for a combination
15 and sequence of special, interdisciplinary, or general
16 care, treatment, or other services that are of lifelong
17 or of extended duration and must be individually planned
18 and coordinated."; and

19 on page 2, by deleting lines 1 through 10; and

20 on page 2, line 18, by replacing "Case coordination services"
21 with "Service coordination"; and

22 on page 2, line 20, by replacing "Case" with "Service"; and

23 on page 2, line 21, by replacing "services are" with "is";
24 and

25 on page 2, line 24, by replacing "Case" with "Service"; and

26 on page 2, line 25, by replacing "services include" with
27 "includes"; and

28 on page 2, by replacing lines 29 through 31 with the
29 following:

30 "participation in the development of a comprehensive
31 individual service or treatment plan; (iv) referral to and

1 linkage with needed services and supports; (v) monitoring
2 to"; and

3 on page 2, line 34, by inserting "for" after "services"; and

4 on page 3, by replacing line 1 with the following:

5 "he or she is eligible or entitled."; and

6 on page 3, lines 6 and 7, by replacing "and assessments used"
7 with "used by qualified professionals selectively with an
8 individual"; and

9 on page 3, lines 9 and 10, by deleting "The term means
10 procedures used selectively with an individual."; and

11 on page 3, line 15, by replacing "a family member" with "an
12 individual"; and

13 on page 3, line 16, after "home", by inserting "or his or her
14 own home"; and

15 on page 3, line 19, by replacing "program" with "service or
16 treatment"; and

17 on page 3, line 23, by changing "professional" to
18 "professionals"; and

19 on page 3, line 30, by inserting "service or treatment" after
20 "individual"; and

21 on page 4, by replacing lines 2 and 3 with the following:

22 "person with a suspected disability who is applying for
23 Department-authorized disability services must receive a
24 comprehensive"; and

25 on page 4, line 10, by inserting "service or treatment" after
26 "Individual"; and

27 on page 4, line 12, by inserting "service or treatment" after
28 "individual"; and

1 on page 4, line 14, by replacing "program" with "service or
2 treatment"; and

3 on page 4, line 15, by replacing "twice each year" with
4 "annually"; and

5 on page 4, line 19, by replacing "representatives" with
6 "guardian"; and

7 on page 4, line 21, by inserting "service or treatment" after
8 "individual"; and

9 on page 4, line 26, after the period, by inserting: "Family
10 members and other representatives of the person with a
11 disability must be allowed, encouraged, and supported to
12 participate as well, if the person with a disability consents
13 to that participation."; and

14 on page 4, line 29, by deleting "age,"; and

15 on page 4, by replacing lines 30 and 31 with the following:
16 "ability to pay (except where contrary to law), or criminal
17 record. Specific program eligibility requirements with
18 regard to disability, level of need, age, and other matters
19 may be established by the Department by rule. The Department
20 may set priorities for the provision of services and for
21 determining the need and eligibility for services in
22 accordance with available funding."; and

23 on page 4, line 34, after "both,", by inserting "whenever
24 possible and appropriate,"; and

25 on page 5, line 1, after "skills", by inserting "when
26 authorized for such services"; and

27 on page 5, line 5, before the period, by inserting "when
28 authorized for those services"; and

29 on page 5, by replacing line 6 with "offered in the most

1 integrated setting appropriate."; and

2 on page 5, by replacing line 14 with "by no later than the
3 school year in which the person reaches age 14, consistent
4 with the requirements of the federal Individuals with
5 Disabilities Education Act and Article XIV of the School
6 Code."; and

7 on page 5, line 19, by replacing "must" with "should"; and

8 on page 5, by replacing line 20 with "lead to employment and
9 reemployment in the most integrated setting appropriate to
10 the individual."; and

11 on page 5, line 24, by replacing "Case coordination services"
12 with "Service coordination"; and

13 on page 5, by replacing line 25 with the following:

14 "disability who is receiving direct services from the
15 Department must be provided service coordination when
16 needed."; and

17 on page 5, line 30, by replacing "before a" with "before an
18 impartial"; and

19 on page 6, line 3, by replacing "Reasonable" with
20 "Prevailing"; and

21 on page 6, line 17, after "composed of", by inserting
22 "persons with disabilities, family representatives, and"; and

23 on page 6, by replacing lines 20 and 21 with the following:

24 "disabilities."; and

25 on page 6, by replacing line 25 with the following:

26 "comprehensive evaluations, including provisions for
27 Department review and approval of need determinations. The
28 Department may utilize independent evaluators and targeted or
29 sample reviews during this review and approval process, as it

1 deems appropriate."; and

2 on page 6, by replacing line 27 with the following:

3 "an individual service or treatment plan for each person with
4 a disability, including provisions for Department review and
5 authorization."; and

6 on page 7, line 14, by replacing "October 1, 2001" with "July
7 1, 2002"; and

8 on page 7, line 19, by inserting "service or treatment" after
9 "individual"; and

10 on page 7, line 21, after the period, by inserting the
11 following:

12 "This description shall include a report of related program
13 and service improvements or expansions implemented by the
14 Department since the effective date of this Act."; and

15 on page 7, line 34, by replacing "March" with "July"; and

16 on page 8, line 1, after the period, by inserting the
17 following: "Initial implementation of the plan is required by
18 July 1, 2003. The requirement of annual updates and reports
19 expires in 2007, unless otherwise extended by the General
20 Assembly.".