

BILL ANALYSIS

S.B. 361
By: Carona
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, there is some concern that persons seeking residential services for mental retardation may not be given information about the various options available for such services. In some cases, placement in a state school may be the best option. In other cases, a community placement may be the appropriate least restrictive environment.

S.B. 361 is intended to ensure that persons with mental retardation and their authorized representatives are given as wide a set of options for residential services as practicable, consistent with the individual's service needs.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill requires the Department of Aging and Disability Services (DADS) to provide to an individual with mental retardation seeking residential services or to the individual's legally authorized representative a clear explanation of programs and services for which the individual is determined to be eligible, including state schools, community ICF-MRs (intermediate care facilities-mental retardation), waiver services under relevant provisions of the federal Social Security Act, community mental retardation services, or other services.

The bill requires DADS to offer a state school as an option among the residential services available to an individual who is eligible for those services and who meets DADS' criteria for state school admission, regardless of whether other residential services are available to the individual. The bill requires DADS to endeavor to provide as wide a set of options for residential services as practicable and as are consistent with the individual's service needs.

The bill requires DADS to ensure that the determination of the least restrictive environment is made on an individual basis and that a state school may be determined to be an appropriate least restrictive environment for some individuals.

The bill requires DADS to document in its records regarding the individual the options for programs and services that were discussed with the individual, and requires the individual or the individual's legally authorized representative to sign such documentation.

The bill requires DADS to inform local mental retardation authorities of the requirements set forth in the Act.

EFFECTIVE DATE

September 1, 2005