

SHORT TITLE: Payment of stipends for guardianship development for the developmentally disabled; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 457

By: Cain

AS INTRODUCED

An Act relating to persons with disabilities;

amending 10 O.S. 1991, Section 1415.1, as amended by Section 1, Chapter 137, O.S.L. 1996 (10 O.S. Supp. 1996, Section 1415.1), which relates to persons with developmental disabilities; deleting certain requirement regarding standards for accreditation; authorizing the Department of Human Services to reimburse certain persons for legal costs of initiating guardianship proceedings for certain clients; requiring promulgation of rules; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10 O.S. 1991, Section 1415.1, as amended by Section 1, Chapter 137, O.S.L. 1996 (10 O.S. Supp. 1996, Section 1415.1), is amended to read as follows:

Section 1415.1 A. 1. All institutions named in Section 1406 of this title within the Department of Human Services, which are established primarily for the purpose of caring for the mentally retarded, shall maintain an adequate clinical record of each resident. Such record shall contain initial social, psychological, and medical evaluation results, as well as interval reports of the resident's condition, the treatment and training prescribed, and the progress shown.

~~2. The program for care and treatment established at such institutions shall meet, but not be limited to, the standards for accreditation published by the Accreditation Council for Services for Mentally Retarded and Other Developmentally Disabled Individuals which pertain to behavior management. The Department shall arrange for regular, periodic surveys at such institutions for the purpose of ascertaining compliance with the standards of the Accreditation Council. Reports of the survey results shall be provided to the Commission and to the Director, and shall be filed with the Office of Juvenile System Oversight of the Oklahoma Commission on Children and Youth.~~

~~3.~~ The Human Services Commission shall establish an ombudsman program for each of the institutions and residential facilities for the mentally retarded operated by the Department, which shall include, but not be limited to, an appeals procedure for the resolution of grievances or complaints of the residents of the institutions and facilities and the grievances or complaints of the parents or the court-appointed guardians of the residents.

B. The educational and physical capabilities of each resident shall be assessed at least one time each year by appropriate professional personnel for the purpose of determining such further treatment or training as may be required. A report of the findings and recommendations of such assessments shall be filed in the clinical record of the resident. Failure on the part of the superintendent of the institution to institute a policy of annual evaluations, if sufficient personnel are available, shall constitute dereliction of duty.

C. When annual evaluations of a resident reflect improvement in social or physical capabilities sufficient enough to permit the resident to be released from the institution, either completely or conditionally, the superintendent shall return such resident to the resident's immediate family, or shall provide assistance for the

placement of the resident in some other appropriate residential setting.

D. 1. The Department of Human Services may enter into contracts for the development of residential settings and attendant community services prior to the release of the resident.

2. The Department shall establish procedures which specify the conditions and requirements for recipients of such contracts. In establishing reimbursement rates for recipients of such contracts, the Department may take into consideration any unusual or increased costs of the recipient relating to the care and treatment of developmentally disabled clients including, but not limited to, workers' compensation costs.

3. A copy of these procedures shall be made available to any person upon request.

E. 1. In addition to any other form of assistance provided, the Department is authorized to pay stipends to eligible relatives and certified volunteers for the sole purpose of acquiring legal representation to initiate guardianship proceedings.

2. Financial guidelines and other criteria pertaining to eligibility of relatives and certified volunteers applying for a stipend shall be established by rules promulgated by the Commission.

F. Reports of the reviews of the administration of psychotropic medications shall be made available to the parent or the court-appointed guardian of a resident of the institutions. The parent or the court-appointed guardian of a resident of the institution shall have access to all clinical records pertaining to the condition, treatment, training, and education of the resident which are maintained at the institution, or elsewhere, by the Department of Human Services.

SECTION 2. This act shall become effective November 1, 1997.

