

ENGROSSED HOUSE
BILL NO. 1066

By: Mitchell, McCarter, Roggow,
Calvey, O'Neal and
Winchester of the House

and

Nichols of the Senate

An Act relating to individuals with developmental disabilities; creating the Families as Partners for Services to Persons with Developmental Disabilities Act; providing for legislative findings; specifying purpose; requiring the Department of Human Services and other state agencies to promote specific principles; requiring certain relatives of a person with developmental disabilities be included in certain decision making; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1407.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The provisions of this section shall be known and may be cited as "Families as Partners for Services to Persons with Developmental Disabilities Act".

B. The Legislature of this state recognizes that:

1. Federal regulations supported by federal case law require states to administer their services, programs and activities for qualified persons with developmental disabilities in the most integrated setting appropriate to the needs of such persons;

2. In determining the most integrated setting appropriate to the needs of a qualified person with developmental disabilities, state services, programs and activities must be responsive to the desires of the person with developmental disabilities in consultation with his or her guardian to live in an appropriate

community-based service system or setting or to live in a congregative setting; and

3. The Health Care Financing Administration has issued guidance to the states urging them to develop comprehensive working plans for determining individual service systems and to actively involve persons with developmental disabilities and their guardians in the design, development and implementation of such plans.

C. The purpose of the Families as Partners for Services to Persons with Developmental Disabilities Act is to ensure that:

1. Persons with developmental disabilities and their guardians are the primary decision makers regarding the services and supports such persons receive. This includes the right to choose where a person with developmental disabilities lives from among an array of residential options. Persons with developmental disabilities and their guardians shall have the primary decision-making roles in policies and programs that affect the lives of such persons.

2. No agency, department, commission or office of this state or employee thereof develops or promotes a state policy or provides any assistance to a person with developmental disabilities or his or her guardian which would encourage or support one specific service system or setting over another.

D. In providing assistance to a person with developmental disabilities, the Department of Human Services and any other agency, department, commission or office of this state providing assistance to persons with developmental disabilities:

1. Shall promote the principle that each person with a developmental disability, together with his or her guardian, has different goals and needs, and accordingly, the person and the guardian should be afforded a legitimate choice of whether the person resides in his or her own home, in support-living circumstances, or in a congregative setting, including a legitimate

choice of related family support services, individual supports, community living activities, and community supports;

2. Shall not promote any policy that limits the choices of persons with developmental disabilities and their guardians seeking living arrangements that are most suitable to their needs and wishes, whether they choose the family home, their own home, support-living circumstances, or a congregative setting, including a legitimate choice of related family support services, individual supports, community living activities, and community supports;

3. Shall ensure that guardians are included in all placement decisions affecting their wards who have developmental disabilities; and

4. Shall ensure that the decisions and opinions of guardians are given due consideration in the care received by their wards who have developmental disabilities.

E. For purposes of this section, the term "guardian" shall have the same meaning as the terms "guardian of an incapacitated person" and "limited guardian" as defined by the Oklahoma Guardianship and Conservatorship Act.

SECTION 2. This act shall become effective September 1, 2001.

Passed the House of Representatives the 5th day of March, 2001.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2001.

Presiding Officer of the Senate