
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 133 Session of
2015

INTRODUCED BY MURT, ACOSTA, BARRAR, BOYLE, V. BROWN, BROWNLEE,
CALTAGIRONE, COHEN, D. COSTA, DAVIS, DeLUCA, FRANKEL,
GOODMAN, KAVULICH, MILLARD, O'NEILL, C. PARKER, SCHLOSSBERG
AND STURLA, JANUARY 21, 2015

REFERRED TO COMMITTEE ON HUMAN SERVICES, JANUARY 21, 2015

AN ACT

1 Establishing a bill of rights for individuals with intellectual
2 and developmental disabilities; and conferring powers and
3 duties on the Department of Human Services.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Individuals
8 with Intellectual and Developmental Disabilities Bill of Rights
9 Act.

10 Section 2. Findings.

11 The General Assembly finds and declares as follows:

12 (1) Disability is a natural part of the human
13 experience, which does not diminish the right of individuals
14 with intellectual and developmental disabilities to:

15 (i) enjoy the opportunity to live, to the extent
16 possible, independently;

17 (ii) make choices;

1 (iii) contribute to society; and
2 (iv) experience full integration and inclusion in
3 the economic, political, social, cultural and educational
4 mainstream of society in this Commonwealth.

5 (2) Individuals with intellectual and developmental
6 disabilities continually encounter various forms of
7 discrimination in critical areas.

8 (3) There is a lack of public awareness of the
9 capabilities and competencies of individuals with
10 intellectual and developmental disabilities.

11 (4) A substantial number of individuals with
12 intellectual and developmental disabilities and their
13 families or legal guardians do not have access to appropriate
14 support and services from generic and specialized service
15 systems and remain unserved or underserved.

16 (5) Communities can be enriched by the full and active
17 participation and the contributions by individuals with
18 intellectual and developmental disabilities and their
19 families; and there is a need to ensure that, within this
20 Commonwealth, there is the availability and equitable
21 provision of necessary services for individuals with
22 intellectual and developmental disabilities, regardless of
23 religion, race, color, national origin, economic or social
24 status and degree or type of disability.

25 (6) The long-time commitment of the General Assembly to
26 secure for individuals with intellectual and developmental
27 disabilities in partnership with their families or legal
28 guardians the opportunity to choose where they live is
29 affirmed. The choice of service options must be supported by
30 State policy. The choice of service options is to be ensured

1 to individuals with intellectual and developmental
2 disabilities, encouraging that they not leave their homes or
3 community to the maximum extent possible.

4 (7) Services must ensure accountability, credibility,
5 responsiveness and quality assurance, whether the funding is
6 Federal, State, local or community.

7 (8) As of September 30, 2014, there are approximately
8 13,987 individuals in this Commonwealth with intellectual
9 disabilities who are waiting for services and programs. There
10 are more than 10,314 people with emergency and critical
11 needs. The waiting list for these persons is expected to grow
12 substantially into the foreseeable future.

13 (9) The Department of Human Services needs to develop an
14 adequate plan to address the needs and services for the
15 individuals on the waiting list for intellectual disability
16 services.

17 (10) For true choice to exist, individuals with
18 intellectual and developmental disabilities and their
19 families or legal guardians must be provided with information
20 about their options for services.

21 (11) The goals of the Commonwealth properly include the
22 goal of providing individuals with intellectual and
23 developmental disabilities and their families or legal
24 guardians with the opportunities and support to:

25 (i) Make informed choices and decisions.

26 (ii) Pursue meaningful and productive lives.

27 (iii) Live in a home and community of their choice.

28 (iv) Achieve full integration and inclusion in
29 society, in an individualized manner, consistent with the
30 unique strengths, resources, priorities, concerns,

1 abilities and capabilities of the individual.

2 (12) The purpose of this act is to reflect the United
3 States Supreme Court decision of *Olmstead v. L.C.* (No.98-536
4 U.S. 1999) and the Commonwealth desires to assure individuals
5 with intellectual and developmental disabilities and their
6 families or legal guardians full and complete participation
7 in the design of and access to services, supports and other
8 assistance and opportunities which promote independence,
9 productivity and choice of living arrangement.

10 (13) It is the policy of the Commonwealth that all
11 programs, projects and activities operating in this
12 Commonwealth be carried out in a manner consistent with the
13 following principles:

14 (i) Individuals with intellectual and developmental
15 disabilities are capable of pursuing independence,
16 productivity and integration and inclusion into the
17 community and often require the provision of services,
18 supports and other assistance to achieve independence,
19 productivity and integration and inclusion.

20 (ii) Individuals with intellectual and developmental
21 disabilities and their families or legal guardians have
22 competencies, capabilities and personal goals which shall
23 be recognized, supported and encouraged; and any
24 assistance to such individuals shall be provided in an
25 individualized manner, consistent with the unique
26 strengths, resources, priorities, concerns, abilities and
27 capabilities of the individuals.

28 (iii) Individuals with intellectual and
29 developmental disabilities and their families or legal
30 guardians are the primary decision makers regarding the

1 services and supports such individuals and their families
2 receive and play significant decision-making roles in
3 policies and programs which affect the lives of such
4 individuals and their families.

5 (iv) Individuals with intellectual and developmental
6 disabilities and their families or legal guardians have
7 varying goals and needs, and, therefore, this act does
8 not support one specific service system or setting over
9 another so long as it is within the parameters of
10 applicable reported judicial decisions.

11 (v) The Commonwealth shall, within budgetary
12 accountability, provide services, supports and other
13 assistance which reflect the principles of everyday life
14 that have been the cornerstone of the Commonwealth's
15 human services for people with intellectual and
16 developmental disabilities.

17 Section 3. Definitions.

18 The following words and phrases when used in this act shall
19 have the meanings given to them in this section unless the
20 context clearly indicates otherwise:

21 "Department." The Department of Human Services of the
22 Commonwealth.

23 Section 4. Choice.

24 (a) Community-based service.--The Commonwealth shall provide
25 individualized community-integrated supports and services for an
26 individual with intellectual and developmental disabilities if
27 all of the following apply:

28 (1) The individual has an intellectual or developmental
29 disability.

30 (2) The individual chooses certain supports and services

1 or does not oppose the supports and services.

2 (3) The supports and services are included in an
3 individualized services plan developed by an authorized State
4 or county supports coordinator with the input of the
5 individual and the individual's guardian and advocate.

6 (b) Family.--Unless the individual determines otherwise,
7 family members and legal guardians of an individual with
8 intellectual and developmental disabilities shall be involved in
9 meetings regarding the planning for and arrangement of
10 community-based services or other allowable services.

11 (c) Contact.--Nothing in this act shall be construed to
12 prohibit an individual with intellectual and developmental
13 disabilities from maintaining contact with family and friends at
14 an intermediate care facility, a community living arrangement or
15 a day program.

16 (d) Complaints.--An individual with intellectual and
17 developmental disabilities, a family member or a legal guardian
18 of such individual who believes that the needs as detailed in
19 the individualized service plan are not being met may provide
20 the State or county a letter expressing concerns. The State or
21 county shall, within 30 days, address the concerns and, if
22 necessary, take corrective action.

23 Section 5. Waiting list for intellectual disability services.

24 (a) Waiting list plan.--Within one year of the effective
25 date of this section, the department shall develop a five-year
26 plan to eliminate the current as well as any future additions to
27 the critical and emergency waiting list for individuals with
28 intellectual disabilities who are in need of allowable supports
29 and services and shall submit the plan to the Governor, the
30 General Assembly and the county intellectual disability program

1 administrators.

2 (b) Contents of plan.--The plan required by subsection (a)
3 shall include:

4 (1) Statistical information on the current and projected
5 annual increase in the waiting list on a county basis. The
6 department shall develop a Statewide standardized form to
7 collect the information from the counties.

8 (2) Budget projections taking into consideration the
9 department's current budget year, projected annual costs
10 associated with the elimination of the waiting list,
11 financial information on the amount of additional Federal,
12 State or other funds in each county which may be required
13 annually for the operational costs associated with the
14 elimination of the waiting list in each county and the
15 projected annual waiting list in each annual plan update.

16 (c) Public hearings and comment.--In the development of the
17 plan required by subsection (a), the department shall conduct
18 public hearings and obtain public comment from individuals with
19 intellectual disabilities, their families and guardians and
20 providers of services to the intellectual disability community.

21 (d) Annual submission of updated plan.--The department shall
22 update the budget, statistical and financial data to the plan
23 required by subsection (a) annually and submit an updated plan
24 to the Governor, the General Assembly and the county
25 intellectual disability program administrators on the
26 anniversary date of the department's original submission of the
27 plan.

28 Section 6. Funding.

29 Services under this act shall be made available across this
30 Commonwealth, taking into account the budget constraints and

1 financial resources available to the Commonwealth and the needs
2 of individuals with intellectual and developmental disabilities.
3 Section 7. Effective date.
4 This act shall take effect in 60 days.