

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 336\*

Short Title: Develop Plan for Allocating DD Resources. (Public)

Sponsors: Senators Nesbitt; Allran, Atwater, D. Berger, Blue, Dannelly, Forrester, Garrou, Jenkins, Jones, Mansfield, Purcell, and White.

Referred to: Mental Health & Youth Services.

March 14, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A COMPREHENSIVE STATEWIDE PLAN FOR THE FAIR AND EQUITABLE ALLOCATION OF RESOURCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES; TO REPORT ON IMPLEMENTATION OF THE PLAN; AND TO APPLY FOR RENEWAL OF THE CAP-MR/DD WAIVER, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** By July 1, 2011, the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, shall develop and submit to the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, the Fiscal Research Division, and the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services a comprehensive statewide plan for the fair and equitable allocation of resources for all individuals eligible for developmental disability services. The plan shall contain all of the following:

- (1) A resource allocation model based on the results of the Supports Intensity Scale (SIS) or another standardized, reliable, and valid assessment tool for the determination of intensity of need. The plan for administration of the selected assessment tool must (i) require qualified persons who are not engaged in the delivery of any developmental disability services to administer the selected assessment tool and (ii) include operational guidelines for quality assurance and reliability in the administration of the assessment.
- (2) A standardized formula for the use of the results of the SIS or other assessment tool data to determine eligibility for type, degree, and array of services, including services provided through State developmental centers and private intermediate care facilities for individuals with mental retardation.

**SECTION 1.(b)** The Department shall begin implementing the comprehensive statewide plan developed pursuant to Section 1(a) of this act by January 1, 2012, and shall achieve full implementation of the plan by July 1, 2013. Beginning October 1, 2011, and every six months thereafter, the Department shall report to the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations



1 Committee on Health and Human Services, the Fiscal Research Division, and the Joint  
2 Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance  
3 Abuse Services on the implementation status of the comprehensive statewide plan developed  
4 pursuant to Section 1(a) of this section.

5           **SECTION 1.(c)** The Department of Health and Human Services shall renew the  
6 CAP-MR/DD Waiver with the two tiers currently in operation. Subject to approval by the Joint  
7 Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance  
8 Abuse Services, the Department may apply to the Centers for Medicare and Medicaid Services  
9 to add additional tiers to the CAP-MR/DD Waiver.

10           **SECTION 2.** This act is effective when it becomes law.