

## **126th MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2013

**Legislative Document** 

No. 579

H.P. 398

House of Representatives, February 21, 2013

**Resolve, To Clarify and Improve the Eligibility Process for Services for Persons with Intellectual Disabilities or Autism** 

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. Mac Jailand

MILLICENT M. MacFARLAND Clerk

Presented by Representative WELSH of Rockport. Cosponsored by Senator HAMPER of Oxford and Representatives: FARNSWORTH of Portland, GATTINE of Westbrook, GRAHAM of North Yarmouth, MALABY of Hancock, PETERSON of Rumford.

1 Sec. 1. Eligibility for services for persons with intellectual disabilities or autism. Resolved: That, by January 1, 2014, the Department of Health and Human 2 Services, referred to in this resolve as "the department," shall undertake a process to 3 amend its rules and update the criteria for eligibility with respect to applicants for 4 5 services for persons with intellectual disabilities or autism. Rules adopted pursuant to 6 this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, 7 chapter 375, subchapter 2-A. The department shall adopt eligibility criteria developed by 8 the American Association on Intellectual and Developmental Disabilities and define 9 "significant limitations" with respect to both intellectual functioning and adaptive behavior. The application and eligibility process must allow for retrospective diagnosis 10 to address a person who did not receive a diagnosis of intellectual disability or autism 11 12 during the person's developmental period and must allow consideration by the department of information acquired after diagnosis. The application and eligibility process must 13 14 provide for reapplication when new information is obtained, even if it is obtained after 15 the developmental period. The application and eligibility process must, when an applicant has produced evidence of diagnostic testing results indicating that the applicant 16 17 is eligible in accordance with the eligibility guidelines, place the burden of proof on the 18 department to prove that the applicant is not eligible. The application and eligibility 19 process must also include a process to appeal a decision by the department, with the 20 appeal to be heard by a person who is independent of the department and who has expertise in psychological and adaptive behavior testing; and be it further 21

22 Sec. 2. Stakeholder group. Resolved: That the department shall convene a 23 stakeholder group to develop a guide for Legislators and consumers that explains and 24 provides information about the application and eligibility process for services for persons 25 with intellectual disabilities or autism developed pursuant to section 1; and be it further

Sec. 3. Intellectual disabilities complex case committee. Resolved: That, 26 27 by January 1, 2014, the department shall adopt rules relating to the department's 28 intellectual disabilities complex case committee. The rules must clarify the roles and responsibilities of the intellectual disabilities complex case committee and must provide 29 30 opportunities for applicants, guardians and families to address the committee and 31 opportunities to appeal the recommendations of the committee. Rules adopted pursuant 32 to this section are routine technical rules as defined by the Maine Revised Statutes, Title 33 5, chapter 375, subchapter 2-A.

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## SUMMARY

This resolve directs the Department of Health and Human Services to undertake a process to update the criteria for eligibility for services for persons with intellectual disabilities or autism. The resolve directs the department to convene a stakeholder group to develop a guide to the application and eligibility process. The resolve directs the department to adopt routine technical rules relating to the department's intellectual disabilities complex case committee. The resolve designates both sets of rules as routine technical rules and requires adoption of the rules by January 1, 2014.