

House Bill 782

By: Representative Manning of the 32<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 37 of the Official Code of Georgia Annotated, relating to the  
2 administration of services relating to mental health, developmental disabilities, and addictive  
3 diseases, so as to provide for a plan to provide community services to certain persons under  
4 the age of 22 years by December 31, 2006; to define terms; to provide for the goal of the plan  
5 and a date for submission of the plan; to provide for applicability of the plan; to provide for  
6 contents of the plan; to provide for related matters; to provide for an effective date; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 2 of Title 37 of the Official Code of Georgia Annotated, relating to the  
11 administration of services relating to mental health, developmental disabilities, and addictive  
12 diseases, is amended in Code Section 37-2-7, relating to the state plan for disability services,  
13 by inserting a new subsection to be designated subsection (f) to read as follows:

14 "(f)(1) As used in this subsection, the term:

15 (A) 'Community services' includes but is not limited to services listed in paragraph (1)  
16 of Code Section 37-5-3.

17 (B) 'Developmental disability' means a severe, chronic disability of an individual that:

18 (i) Is attributable to a mental or physical impairment or combination of mental and  
19 physical impairments;

20 (ii) Is manifested before the individual attains 22 years of age;

21 (iii) Is likely to continue indefinitely;

22 (iv) Results in substantial functional limitations in three or more of the following  
23 areas of major life activity:

24 (I) Self-care;

25 (II) Receptive and expressive language;

26 (III) Learning;

1 (IV) Mobility;

2 (V) Self-direction;

3 (VI) Capacity for independent living; and

4 (VII) Economic self-sufficiency; and

5 (v) Reflects the individual's need for a combination and sequence of special,  
6 interdisciplinary, or generic services, individualized supports, or other forms of  
7 assistance that are of lifelong or extended duration and are individually planned and  
8 coordinated.

9 (C) 'State funds' includes any funds appropriated by the General Assembly and any  
10 Medicaid funds administered by the Department of Community Health.

11 (2) No later than December 31, 2005, the Department of Human Resources shall submit  
12 a plan to the General Assembly to provide community services by December 31, 2006,  
13 to persons who meet the criteria set out in paragraph (3) of this subsection. The goal of  
14 the plan is enabling each such person to receive disability services from the department  
15 or from a community service board or other provider by contract with the department  
16 while living with his or her own family, or, if that is not possible, while living with an  
17 adoptive family.

18 (3) The plan required by paragraph (2) of this subsection shall apply to all persons under  
19 the age of 22 years who are:

20 (A) Receiving disability services, as defined in Code Section 37-2-2, from the  
21 department in an institution, including persons who are receiving residential treatment  
22 under court order;

23 (B) Receiving disability services, as defined in Code Section 37-2-2, from the  
24 department or a community service board or other provider by contract with the  
25 department;

26 (C) Receiving disability services or related medical services from any provider that  
27 receives state funds for providing such services;

28 (D) On a waiting list to receive disability services, as defined in Code Section 37-2-2,  
29 from the department or a community service board or other provider by contract with  
30 the department; or

31 (E) In need of services because of a developmental disability, as defined in paragraph  
32 (1) of this subsection.

33 (4) The plan required by paragraph (2) of this subsection shall include but not be limited  
34 to:

35 (A) Identification of all persons to whom the plan will apply in accordance with  
36 paragraph (3) of this subsection;

- 1 (B) Identification of tasks to be accomplished in order to provide community services  
2 as described in paragraph (2) of this subsection; and  
3 (C) Description of the resources needed to provide community services as described  
4 in paragraph (2) of this subsection."

5 **SECTION 2.**

6 This Act shall become effective upon its approval by the Governor or upon its becoming law  
7 without such approval.

8 **SECTION 3.**

9 All laws and parts of laws in conflict with this Act are repealed.