

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

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**HOUSE BILL 81\***

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

Sponsors: Representatives Insko, Farmer-Butterfield, and M. Alexander (Primary Sponsors).

For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Health and Human Services.

February 14, 2011

A BILL TO BE ENTITLED

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

10 The General Assembly of North Carolina enacts:

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

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

32 **SECTION 1.(b)** The Department shall begin implementing the comprehensive  
33 statewide plan developed pursuant to Section 1(a) of this act by January 1, 2012, and shall  
34 achieve full implementation of the plan by July 1, 2013. Beginning October 1, 2011, and every



1 six months thereafter, the Department shall report to the House of Representatives  
2 Appropriations Subcommittee on Health and Human Services, the Senate Appropriations  
3 Committee on Health and Human Services, the Fiscal Research Division, and the Joint  
4 Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance  
5 Abuse Services on the implementation status of the comprehensive statewide plan developed  
6 pursuant to Section 1(a) of this section.

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

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