

By: Representative Ford

To: Public Health and Welfare

HOUSE BILL NO. 775

1 AN ACT TO REENACT SECTIONS 43-57-1 THROUGH 43-57-9,
2 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE DEVELOPMENT OF A
3 COMPREHENSIVE PLAN FOR PROVIDING SERVICES TO DISABLED PERSONS; TO
4 AMEND SECTION 43-57-11, MISSISSIPPI CODE OF 1972, TO EXTEND THE
5 DATE OF REPEAL ON THE REENACTED SECTIONS FOR ONE YEAR; AND FOR
6 RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 43-57-1, Mississippi Code of 1972, is
9 reenacted as follows:

10 43-57-1. The State of Mississippi is committed to providing
11 options to persons with disabilities and families that include
12 members who are persons with disabilities for services to be
13 provided in the most integrated setting appropriate. The State of
14 Mississippi is further committed to developing a comprehensive
15 plan to address needs, service options, opportunities and service
16 settings appropriate for persons with disabilities and families
17 that include members who are persons with disabilities so that
18 they may participate in community life to the greatest extent that
19 is possible and that they desire.

20 **SECTION 2.** Section 43-57-3, Mississippi Code of 1972, is
21 reenacted as follows:

22 43-57-3. The following state agencies shall organize a
23 statewide work group to develop a proposed plan: the Department
24 of Mental Health, the State Department of Rehabilitation Services,
25 the Department of Human Services, the State Department of
26 Education, the State Department of Health and the Division of
27 Medicaid. The lead agency shall be the Division of Medicaid. The
28 statewide work group shall include any other state agencies that
29 are responsible for providing services to persons with



30 disabilities or to families that include members who are persons
31 with disabilities and any advocacy groups, consumer groups,
32 consumers, providers, provider groups, associations and any other
33 persons, organizations or entities interested in the mission of
34 the work group. The work group shall seek input from the public,
35 particularly from persons with disabilities and families that
36 include members who are persons with disabilities. The statewide
37 work group shall submit a recommendation for the proposed plan to
38 the Legislature no later than September 30, 2001.

39 **SECTION 3.** Section 43-57-5, Mississippi Code of 1972, is
40 reenacted as follows:

41 43-57-5. In developing the proposed plan, the following
42 issues shall be considered:

43 (a) Expansion of home- and community-based services;

44 (b) Prevention of premature or inappropriate
45 out-of-home placement;

46 (c) Development of support services and networks,
47 including, but not limited to:

48 (i) Communication services;

49 (ii) Counseling services;

50 (iii) Crisis intervention;

51 (iv) Day care;

52 (v) Dental and medical care that are not otherwise
53 covered;

54 (vi) Equipment and supplies and other assistive
55 technology;

56 (vii) Financial assistance;

57 (viii) Home and vehicle modifications;

58 (ix) Home health services;

59 (x) Homemaker services;

60 (xi) Parent education and training;

61 (xii) Personal assistance services;

62 (xiii) Recreation;



- 63 (xiv) Respite care;
- 64 (xv) Self-advocacy training;
- 65 (xvi) Service coordination;
- 66 (xvii) Specialized diagnosis and evaluation;
- 67 (xviii) Specialized nutrition and clothing;
- 68 (xix) Specified utility costs;
- 69 (xx) Therapeutic and nursing services;
- 70 (xxi) Transportation;
- 71 (xxii) Vocational and employment supports;
- 72 (xxiii) Alternative living arrangements, such as
- 73 group homes and supervised and supported living programs;
- 74 (xxiv) Housing;

75 (d) Appropriate maintenance of institutional services
76 for those persons with disabilities who desire or need them.

77 The proposed plan shall consider any other issues pertinent
78 to the goal of the plan in addition to the issues listed in this
79 section.

80 **SECTION 4.** Section 43-57-7, Mississippi Code of 1972, is
81 reenacted as follows:

82 43-57-7. The following principles shall be considered in the
83 development of the proposed plan:

84 (a) Individuals with disabilities and their families
85 are best able to determine their own needs and should be empowered
86 to make decisions concerning necessary, desirable and appropriate
87 services.

88 (b) Individuals with disabilities should receive the
89 support necessary for them to live as independently as possible at
90 home, if recommended by their treatment team and if they choose.

91 (c) Family support should be responsive to the needs of
92 the entire family unit.

93 (d) Supports should be sensitive to the unique needs
94 and strengths of individuals and families.



95 (e) Supports should build on existing social networks
96 and natural sources of support.

97 (f) Supports will usually be needed throughout the life
98 span of the individual who has a disability.

99 (g) Supports should encourage the integration of people
100 with disabilities into the community as much as possible and when
101 recommended by their treatment team and if the consumer prefers
102 that integration.

103 (h) Support services should be flexible enough to
104 accommodate unique needs of individuals and families as they
105 evolve over time.

106 (i) Support services should be consistent with the
107 cultural preferences and orientations of individuals and families.

108 (j) Support services should be comprehensive and
109 coordinated across the agencies that provide resources and
110 services, or both, to individuals and families.

111 (k) Individual and family home-based support services
112 should be based on the principles for sharing ordinary places,
113 developing meaningful relationships, learning things that are
114 useful and making choices, as well as increasing the self-esteem
115 and status, and enhancing the reputation of the individuals
116 served.

117 (l) Supports should be developed and expanded in the
118 state that are necessary, desirable and appropriate to support
119 individuals and families.

120 (m) Supports and services should enhance the
121 development of the individual with a disability and the family.

122 (n) A comprehensive, coordinated system of supports to
123 families effectively uses existing resources and minimizes gaps in
124 supports to families and individuals in all areas of the state.

125 (o) Services should be coordinated with other services.

126 (p) No individual who wishes to remain in, or requests
127 services in, an institutional setting will be forced to receive



128 support services in a noninstitutional or home-based setting,
129 including any individual whose professional team determines that
130 an institutional setting is the most integrated and appropriate
131 setting.

132 **SECTION 5.** Section 43-57-9, Mississippi Code of 1972, is
133 reenacted as follows:

134 43-57-9. (1) The proposed plan shall provide the following:

135 (a) An estimate of the number of persons with
136 disabilities in the State of Mississippi who need services or will
137 need services;

138 (b) An estimate of the amount of appropriations
139 necessary over the course of the proposed schedule to accomplish
140 the proposed plan;

141 (c) A proposal for funding the proposed plan.

142 (2) It shall be the goal of the proposed plan that, not
143 later than June 30, 2011, the State of Mississippi will have
144 available community services for all persons with disabilities
145 where their professional teams recommend those services and the
146 persons request those services.

147 **SECTION 6.** Section 43-57-11, Mississippi Code of 1972, is
148 amended as follows:

149 43-57-11. Sections 43-57-1 through 43-57-9 shall stand
150 repealed on July 1, 2004.

151 **SECTION 7.** This act shall take effect and be in force from
152 and after July 1, 2003.

