

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 544*

Short Title: MHDDSAS Early Intervention.

(Public)

Sponsors: Senators Ward; Harris, Walker, and Tally.

Referred to: Children and Human Resources.

March 24, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND VARIOUS STATUTES PERTAINING TO EARLY INTERVENTION SERVICES FROM BIRTH TO FIVE YEARS OF AGE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-179.5 reads as rewritten:

"§ 143B-179.5. Interagency Coordinating Council for ~~Handicapped~~ Children from Birth to Five Years of Age; with Disabilities and their Families; establishment, composition, organization; duties, compensation, reporting.

(a) There is established an Interagency Coordinating Council for ~~Handicapped~~ Children from Birth to Five ~~Years of Age~~ with Disabilities and their Families in the Department of Human Resources.

(b) The Interagency Coordinating Council for ~~Early Intervention Services~~ shall have 26 members, appointed by the Governor, ~~for terms of two years and until their successors are appointed and qualify.~~ Governor. Effective July 1, 1994, the Governor shall designate 13 appointees to serve for two years and 13 appointees to serve for one year. Thereafter, the terms of all Council members shall be two years. The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of G.S. 143B-16. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term. Members may be appointed to succeed themselves for one term and may be appointed again, after being off the Council for one term.

1 The composition and designation of the chair of the Council shall be as follows:
2 specified in the 'Individual with Disabilities Education Act' (IDEA), P.L. 102-119, the
3 federal early intervention legislation.

- 4 ~~(1) At least three members who are parents of infants or toddlers eligible~~
5 ~~for services pursuant to G.S. 122C-3(13a) or of handicapped children~~
6 ~~aged three through six;~~
7 ~~(2) At least three other members who are providers of early intervention~~
8 ~~services;~~
9 ~~(3) Two members of the Senate, appointed from recommendations of the~~
10 ~~President Pro Tempore and two members of the House of~~
11 ~~Representatives, appointed from recommendations of the Speaker;~~
12 ~~(4) At least one other member who is a person involved in staff~~
13 ~~development;~~
14 ~~(5) Other members who represent the Department of Public Instruction,~~
15 ~~the Department of Human Resources, the Department of Environment,~~
16 ~~Health, and Natural Resources, and other appropriate agencies~~
17 ~~involved in the provision of or payment for early intervention services~~
18 ~~to infants and toddlers and their families; and~~
19 ~~(6) At least eight members to represent the public at large.~~

20 ~~(c) At the first meeting following the appointments, the Council shall elect a parent~~
21 ~~and a professional as cochairs, who~~ The chair ~~may establish those standing and ad hoc~~
22 ~~committees and task forces as may be necessary to carry out the functions of the~~
23 ~~Council and appoint Council members or other individuals to serve on these committees~~
24 ~~and task forces. The Council shall meet at least quarterly. A majority of the Council~~
25 ~~shall constitute a quorum for the transaction of business.~~

26 (d) The Council shall advise the Departments of Human Resources, and
27 Environment, Health, and Natural Resources, and other appropriate agencies in carrying
28 out their early intervention services, and the Department of Public Instruction, and other
29 appropriate agencies, in their activities related to the provision of special education
30 services for preschoolers. The Council shall specifically address in its studies and
31 evaluations that it considers necessary to its advising:

- 32 (1) The identification of sources of fiscal and other support for the early
33 intervention system;
34 (2) The development of policies related to the early intervention services;
35 (3) The preparation of applications for available federal funds;
36 (4) The resolution of interagency disputes; and
37 (5) The promotion of interagency agreements.

38 (e) Members of the Council and parents on ad hoc committees and task forces of
39 the Council shall receive travel and subsistence expenses in accordance with the
40 provisions of G.S. 138-5.

41 (f) The Council shall prepare and submit an annual report to the Governor and to
42 the General Assembly on the status of the early intervention system for eligible infants
43 and toddlers and on the status of special education services for preschoolers.

1 All clerical and other services required by the Council shall be supplied by the
2 Secretary of Human Resources and the Superintendent of Public Instruction, as
3 specified by the interagency agreement authorized by G.S. 122C-112(a)(13)."

4 Sec. 2. G.S. 122C-112(a) reads as rewritten:

5 "(a) The Secretary shall:

- 6 (1) Enforce the provisions of this Chapter and the rules of the Commission
7 and the Secretary;
- 8 (2) Assist counties and area authorities in the establishment and operation
9 of community-based programs within catchment areas specified in
10 rules adopted by the Commission;
- 11 (3) Operate State facilities and adopt rules pertaining to their operation;
- 12 (4) Promote a unified system of services for the citizens of this State by
13 coordinating services provided in State facilities and area facilities;
- 14 (5) Approve the plans and budgets of an area authority and adopt rules
15 pertaining to the content and format of these plans and budgets;
- 16 (6) Adopt rules governing the expenditure of all area authority funds;
- 17 (7) Adopt rules for the establishment of single portal designation and
18 approve an area as a single portal area;
- 19 (8) Except as provided in G.S. 122C-26(4), adopt rules establishing
20 procedures for waiver of rules adopted by the Secretary under this
21 Chapter;
- 22 (9) Notify the clerks of superior court of changes in the designation of
23 State facility regions and of facilities designated under G.S. 122C-252;
- 24 (10) Promote public awareness and understanding of mental health, mental
25 illness, developmental disabilities, and substance abuse;
- 26 (11) Administer and enforce rules that are conditions of participation in
27 federal or State financial aid;
- 28 (12) Carry out G.S. 122C-361; and
- 29 (13) Ensure that all types of early intervention services and any other such
30 services the Secretary, in cooperation with other appropriate agencies
31 and upon the advice of the Interagency Coordinating Council for
32 Children from Birth to Five with Disabilities and their Families,
33 established in G.S. 143B-179.5, considers necessary, shall be available
34 to all eligible infants and toddlers and their families.

35 The Secretary shall ~~Coordinate~~coordinate and facilitate the
36 development and administration of the early intervention system for
37 eligible infants and toddlers and shall assign among the cooperating
38 agencies the responsibility, including financial responsibility, for
39 services. The Secretary shall be advised by the Interagency
40 Coordinating Council for Handicapped Children from Birth to Five
41 ~~Years of Age, with Disabilities and their Families~~ established by G.S.
42 143B-179.5, and may enter into formal interagency agreements to
43 establish the collaborative relationships with the Department of
44 Environment, Health, and Natural Resources, the Department of Public

1 Instruction, other appropriate agencies, and other public and private
2 service providers necessary to administer the system and deliver the
3 services.

4 The Secretary shall adopt rules to implement the early intervention
5 system, in cooperation with all other appropriate agencies."

6 Sec. 3. G.S. 122C-146 reads as rewritten:

7 **"§ 122C-146. Fee for service.**

8 The area authority and its contractual agencies shall prepare fee schedules for
9 services and shall make every reasonable effort to collect appropriate reimbursement for
10 costs in providing these services from individuals or entities able to pay, including
11 insurance and third-party payment, except that individuals may not be charged for
12 ~~services involving multidisciplinary evaluations, intervention plan development, and case~~
13 ~~management services~~ free services as required in 'The Amendments to the Education of
14 the Handicapped Act', P.L. 99-457, provided to eligible infants and toddlers and their
15 families. This exemption from charges does not exempt insurers or other third-party
16 payors from being charged for payment for these services. ~~services, provided that the~~
17 legally responsible person of any eligible infant or toddler is first advised that the person
18 may or may not grant permission for this private insurer to be billed for the free
19 services. However, no individual may be refused services because of an inability to
20 pay. All funds collected from fees from area authority operated services shall be used
21 for the fiscal operation or capital improvements of the area authority's programs. The
22 collection of fees by an area authority may not be used as justification for reduction or
23 replacement of the budgeted commitment of local tax revenue."

24 Sec. 4. This act is effective upon ratification.