

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Change the Evaluation Criteria for Those with Developmental Disabilities

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 34-B MRSA §5001, sub-§1-B is enacted to read:

1-B. Developmental disability. "Developmental disability" means a severe, chronic disability of an individual 5 years of age or older that:

A. Is attributable to a mental or physical impairment or combination of mental and physical impairments;

B. Is manifested before the individual attains 22 years of age;

C. Is likely to continue indefinitely;

D. Results in substantial functional limitations in 3 or more of the following areas of major life activity:

(1) Self-care;

(2) Receptive and expressive language;

(3) Learning;

(4) Mobility;

(5) Self-direction;

(6) Capacity for independent living; and

(7) Economic self-sufficiency; and

E. Reflects the individual's need for a combination and sequence of special, interdisciplinary or generic services, supports or other assistance that is of lifelong or extended duration and is individually planned and coordinated, except that "developmental disability," when applied to

infants and young children, means individuals from birth to 5 years of age who have substantial developmental delays or specific congenital or acquired conditions with high probabilities of resulting in developmental disabilities if services are not provided.

Sec. 2. 34-B MRSA §5003, sub-§2, ¶A, as amended by PL 1995, c. 560, Pt. K, §42, is further amended to read:

A. Provide a mechanism for the identification~~;~~and evaluation~~;~~of persons with a developmental disability that is not based on an intelligence quotient test and includes criteria for assessment of functional abilities and develop plans for the treatment and reassessment of and the provision of services to eligible persons with mental-retardationa developmental disability, including an habilitation program for every client served by the department;

Sec. 3. Cost neutrality. The Department of Health and Human Services shall accomplish the goals of section 2 in a manner that does not increase administrative costs or the cost of providing services.

SUMMARY

This bill defines "developmental disability" and requires the Department of Health and Human Services to change the criteria that it currently uses to determine the eligibility of persons with a developmental disability for services. It requires the department to use methods that are not based on an intelligence quotient test and include criteria for the assessment of functional abilities. It requires the department to accomplish this goal in a manner that is cost neutral.