§5470-B. Personal planning

1. Right to personal planning. Every adult with an intellectual disability or autism who is eligible for services must be provided the opportunity to engage in a personal planning process in which the needs and desires of the person are articulated and identified.
[PL 2011, c. 542, Pt. A, §113 (AMD).]

2. Process. The personal planning opportunities afforded to a person with an intellectual disability or autism pursuant to subsection 1 must:

A. Be understandable to that person and in plain language and, if that person is deaf or nonverbal, uses sign language or speaks another language, the process must include qualified interpreters; [PL 2007, c. 356, §21 (NEW); PL 2007, c. 356, §31 (AFF).]

B. Focus on the choices made by that person; [PL 2007, c. 356, §21 (NEW); PL 2007, c. 356, §31 (AFF).]

C. Reflect and support the goals and aspirations of that person; [PL 2007, c. 356, §21 (NEW); PL 2007, c. 356, §31 (AFF).]

D. Be developed at the direction of that person and include people whom the person chooses to participate. The planning process must minimally include the person, the person's guardian, if any, the correspondent, if any, and the person's case manager; [PL 2007, c. 356, §21 (NEW); PL 2007, c. 356, §31 (AFF).]

E. Be flexible enough to change as new opportunities arise; [PL 2007, c. 356, §21 (NEW); PL 2007, c. 356, §31 (AFF).]

F. Be offered to that person at least annually or on a schedule established through the planning process and be reviewed according to a specified schedule and by a person designated for monitoring; [PL 2007, c. 356, §21 (NEW); PL 2007, c. 356, §31 (AFF).]

G. Include all of the needs and desires of that person without respect to whether those desires are reasonably achievable or the needs are presently capable of being addressed; and [PL 2007, c. 356, §21 (NEW); PL 2007, c. 356, §31 (AFF).]

H. Include a provision for ensuring the satisfaction of that person with the quality of the plan and the supports that the person receives. [PL 2007, c. 356, §21 (NEW); PL 2007, c. 356, §31 (AFF).]
[PL 2011, c. 542, Pt. A, §113 (AMD).]

3. Action plans and unmet needs. The ongoing personal planning for a person with an intellectual disability or autism must include an action plan that describes the services to be provided, the process of providing the services and who is responsible for overseeing the provision of the services. In cases where resources required to address identified needs or desires are not available, the action plan must identify interim measures based on available resources that address the needs or desires as nearly as possible and identify steps toward meeting the person’s actual identified needs.

Unmet needs must be documented continually, collated annually and used for appropriate development activities on a regional and statewide basis.
[PL 2011, c. 542, Pt. A, §113 (AMD).]

4. Review of personal plans. The person with an intellectual disability or autism or another member of the planning team may initiate a review of the person’s personal plan when needed or desired.

A. A review under this subsection must be done by meeting or by other means sufficient to address the needed or desired changes. The review must include the person, the person's guardian, if any, and the person's case manager. Invitations to participate may also be sent to others who may be

anticipated to assist the person in pursuing articulated needs and desires unless the person or a private guardian objects. [PL 2007, c. 356, §21 (NEW); PL 2007, c. 356, §31 (AFF).]

B. Events that could lead to the loss of the person's home, job or program and events defined in a departmental rule or in the person's plan must lead to a plan review. [PL 2007, c. 356, §21 (NEW); PL 2007, c. 356, §31 (AFF).]

[PL 2011, c. 542, Pt. A, §113 (AMD).]

5. Information from planning process. During personal planning, the department shall develop and record information about a person's needs, identify anticipated needs without regard to service availability, define necessary support services, recommend optimal courses of action and include plans for the active and continued exploration of suitable program or service alternatives based on the person's needs.

[PL 2007, c. 356, §21 (NEW); PL 2007, c. 356, §31 (AFF).]

6. Implementation of personal plan. As part of its implementation, the personal plan must be agreed to by the person or the person's legal guardian. The department shall assist persons with the needs identified by their planning process to obtain housing, employment or other meaningful occupation, medical and other professional therapeutic services, recreational and vocational opportunities and educational services at the earliest possible time, insofar as resources permit.

[PL 2007, c. 356, §21 (NEW); PL 2007, c. 356, §31 (AFF).]

7. Records. The department shall maintain records of personal plans developed under this section.

A. The department shall maintain adequate written and electronic records of the development and implementation of personal plans to permit monitoring and accountability. [PL 2007, c. 356, §21 (NEW); PL 2007, c. 356, §31 (AFF).]

B. [PL 2013, c. 310, §6 (RP).]

[PL 2013, c. 310, §6 (AMD).]

8. Training. The department shall provide training in personal planning.

A. The department shall prepare and maintain a comprehensive manual describing the procedures to be followed in implementing a personal planning process. [PL 2007, c. 356, §21 (NEW); PL 2007, c. 356, §31 (AFF).]

B. The department shall ensure the provision of regular and ongoing training in personal planning to persons with intellectual disabilities or autism and their families, guardians, correspondents and allies as well as its own staff and providers. The department shall regularly provide persons with intellectual disabilities or autism and their families, guardians and allies with informational materials regarding personal planning. [PL 2011, c. 542, Pt. A, §114 (AMD).]

[PL 2011, c. 542, Pt. A, §114 (AMD).]

9. Rules. The department is authorized to adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2007, c. 356, §21 (NEW); PL 2007, c. 356, §31 (AFF).]

SECTION HISTORY

PL 2007, c. 356, §21 (NEW). PL 2007, c. 356, §31 (AFF). PL 2011, c. 542, Pt. A, §§113, 114 (AMD). PL 2011, c. 657, Pt. EE, §6 (AMD). PL 2013, c. 310, §6 (AMD).

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