

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION-2007

Legislative Document

No. 1868

H.P. 1300

House of Representatives, April 24, 2007

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

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GROSE of Woolwich.

Cosponsored by Representatives: BEAUDOIN of Biddeford, BURNS of Berwick, CRAVEN of Lewiston, FAIRCLOTH of Bangor, PRIEST of Brunswick, VALENTINO of Saco, WALCOTT of Lewiston.

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

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

3 **1-B. Developmental disability.** "Developmental disability" means a severe, chronic
4 disability of an individual 5 years of age or older that:

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

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

8 C. Is likely to continue indefinitely;

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

11 (1) Self-care;

12 (2) Receptive and expressive language;

13 (3) Learning;

14 (4) Mobility;

15 (5) Self-direction;

16 (6) Capacity for independent living; and

17 (7) Economic self-sufficiency; and

18 E. Reflects the individual's need for a combination and sequence of special,
19 interdisciplinary or generic services, supports or other assistance that is of lifelong or
20 extended duration and is individually planned and coordinated, except that
21 "developmental disability," when applied to infants and young children, means
22 individuals from birth to 5 years of age who have substantial developmental delays or
23 specific congenital or acquired conditions with high probabilities of resulting in
24 developmental disabilities if services are not provided.

25 **Sec. 2. 34-B MRSA §5003, sub-§2, ¶A,** as amended by PL 1995, c. 560, Pt. K,
26 §42, is further amended to read:

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

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

SUMMARY

1
2 This bill defines "developmental disability" and requires the Department of Health
3 and Human Services to change the criteria that it currently uses to determine the
4 eligibility of persons with a developmental disability for services. It requires the
5 department to use methods that are not based on an intelligence quotient test and include
6 criteria for the assessment of functional abilities. It requires the department to
7 accomplish this goal in a manner that is cost neutral.