



**H.B. 214**

125th General Assembly  
(As Introduced)

**Reps. Kilbane, Husted, Hollister, White, Setzer, Olman, Barrett, Kearns,  
Seitz, Allen**

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**BILL SUMMARY**

- Establishes the Family Support Board.
- Requires, to the extent funds are available, the Board to develop a family-centered and family-directed system for children with developmental disabilities and make recommendations to the Governor regarding improvements to services for children with developmental disabilities.
- Requires the Board to complete a biennial report describing its activities, findings, and recommendations regarding the operation of programs for children with developmental disabilities and recommended changes to law or administrative rules.
- Declares that there is a need for a comprehensive system of support for families of children with developmental disabilities that is family-centered and family-directed and is readily accessible and individualized to meet the unique needs of the child and the child's family.
- Declares that it is the policy of the state that a family-centered and family-directed system be carried out in a manner consistent with certain principles.

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## CONTENT AND OPERATION

### Family Support Board

(sec. 5123.38)

The bill creates the Family Support Board. The State Planning Council<sup>1</sup> is required to provide meeting space, administrative and programmatic support, and technical assistance. The Council is also required to assist the Board with the costs of production and distribution of the biennial report (see "Duties" below) and any other recommendations of the Board. The Council must receive, account for, and disburse funds received by the Board.

### Definitions

(secs. 5123.01 and 5123.37)

The bill establishes definitions applicable to the operation of the Board, including the following:

- **"Child with a developmental disability"** means a person under age 18 who has a severe, chronic disability that is characterized by all of the following:
  - It is attributed to a mental or physical impairment or a combination of mental and physical impairments.
  - It is manifested before age 22.
  - It is likely to continue indefinitely.

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<sup>1</sup> *Established under Revised Code section 5123.35 (not in the bill) and in accordance with the federal "Developmental Disabilities Assistance and Bill of Rights Act," 98 Stat. 2662 (1984), 42 U.S.C. 6001, as amended, the State Planning Council is to act as an advocate for all persons with developmental disabilities. The Council's membership is appointed by the Governor and must include representatives of various entities concerned with services for persons with developmental disabilities, including state agencies, university-affiliated programs, local agencies, and nonprofit groups. The Council is required by federal law to develop a state plan regarding the use of federal funds received under the Act for the provision of necessary or useful goods and services for developmentally disabled persons. The Department of Mental Retardation and Developmental Disabilities is the state agency required to receive, account for, and disburse the federal funds.*

- It results in substantial functional limitations in any three or more of the following areas of activity which reflects the person's need for a combination and sequence of special, interdisciplinary, generic, or individualized services, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated: self-care; receptive and expressive language; learning; mobility; self-direction; capacity for independent living; economic self-sufficiency.

A person from birth to age 9 who has a substantial developmental delay, specific congenital condition, or acquired condition may be considered to have a developmental disability without meeting three or more of the above criteria if, without services and support, the person has a high probability of meeting those criteria later in life.

- **"Family member of a child with a developmental disability"** is a person with whom the child resides, including a parent; a sibling; a spouse or significant other; a son or daughter; a grandparent; an aunt or uncle; a cousin; a legal guardian; a legal custodian; or a person providing foster care to the child. "Family member" does not include persons who are compensated to provide services to children with developmental disabilities in hospitals, nursing homes, boarding homes, community living arrangements, or other facilities providing treatment or care for persons with developmental disabilities.
- **"Family-centered and family-directed system"** means a system in which a child with a developmental disability and the child's family members are empowered to do the following: (a) identify individual or family needs, (b) participate in the development and selection of family support services or other assistance to meet identified individual or family needs, and (c) provide feedback on the quality and effectiveness of family support services and other assistance in meeting individual or family needs.
- **"Family support services"** means resources including cash subsidies, vouchers, reimbursement systems, and other assistance that are designed to support families of children with developmental disabilities and are provided to accomplish any of the following: (a) keeping a child with developmental disabilities in the child's home and encouraging the child's participation in the community, (b) preventing unnecessary or unwanted out-of-home placement of the

child, (c) reuniting a child who has been placed out of the home with the child's family.

- "**Culturally competent**" means family support services or other assistance provided in a manner that is responsive to the recipient's beliefs, interpersonal style, attitude, language, and behavior and encourages the recipient's participation.

### Duties

(sec. 5123.383)

To the extent funds are available, the Board is required by the bill to do all of the following:

(1) Develop a family-centered and family-directed system that includes all of the following:

(a) A simplified application process for services for children with developmental disabilities;

(b) A single point of entry where families of children with developmental disabilities can learn about, apply for, and evaluate family support services and other assistance;

(c) Shared data among state agencies to generate unduplicated information about children with developmental disabilities;

(d) Mechanisms to evaluate the family-centered and family-directed support system, including consumer surveys and data collection and analysis;

(e) Issuance of report cards that measure family-centered and family-directed support system outcomes;

(2) Make recommendation to the Governor including all of the following:

(a) Techniques to increase the capacity of public and private programs for children with developmental disabilities to include more children with developmental disabilities;

(b) Strategies to increase the pool of qualified persons who work with children with developmental disabilities, including community home health care workers;

(c) Approaches to monitor compliance and to enforce regulations and program requirements for the provision of developmental disability services;

(d) Standards for quality improvements in the provision of services to children with developmental disabilities;

(e) Methods to obtain additional state and other funding to meet developmental disability needs;

(f) Development, promotion, and evaluation of developmental disability program requirements and regulations;

(g) Changes to existing developmental disability programs and support services.

(3) Test feasibility of developmental disability initiatives as needed through pilot projects, demonstrations, or partnerships with state and local entities;

(4) Review any other issues the Board considers relevant to developing a family-centered and family-directed system for families of children with developmental disabilities;

(5) Coordinate working relationships or establish interagency agreements with other public or private entities as needed to fulfill any of the Board's duties, including the following entities:

(a) The Department of Mental Retardation and Developmental Disabilities;

(b) The Department of Job and Family Services;

(c) The Department of Education;

(d) The Department of Health;

(e) The Department of Mental Health;

(f) The Department of Youth Services;

(g) The Rehabilitation Services Commission.

The Board is required to complete every two years a report describing its activities, findings, and recommendations. The Board is permitted to include any recommendations it considers appropriate, including recommendations pertaining to the operation of public or private programs for children with developmental disabilities and suggested changes to the law or administrative rules. Not later than August 1 of every even-numbered year, the Board must submit its report to the Governor, Speaker of the House of Representatives, President of the Senate, and the chairpersons of the committees of the General Assembly that have primary jurisdiction over health and human services matters.



In performing its duties, the Board may request information about family support services and other assistance to families of children with developmental disabilities from state, county, or local entities. If the Board makes such a request, the entity is required to respond in a timely manner. The Board is also permitted to use information developed or made public by other public or private entities.

Any information developed or compiled by the Board may be made available or disseminated to the public.

### **Membership**

(sec. 5123.381(A))

The Board's membership is to include 15 voting members who are family members of a child with a developmental disability. The members are to be appointed by the Governor with the advice and consent of the Senate. The Governor must make every effort to appoint to the Board persons who reflect the diversity of developmental disabilities within Ohio. A person who provides family support services to families of children with developmental disabilities or who is employed by a local or state agency that provides family support services to families of children with developmental disabilities cannot be appointed to the Board.

The Board is also to include the following nonvoting members:

- (1) The Director of Job and Family Services or the Director's designee;
- (2) The Director of Health or the Director's designee;
- (3) The Superintendent of Public Instruction or the Superintendent's designee;
- (4) The Director of Mental Health or the Director's designee;
- (5) The Director of Mental Retardation and Developmental Disabilities or the Director's designee;
- (6) The Director of the Department of Youth Services or the Director's designee;
- (7) The Executive Director of the Board of Nursing or the Executive Director's designee;
- (8) One member of the Ohio House of Representatives appointed by the Speaker;

(9) One member of the Ohio Senate appointed by the President of the Senate.

**Compensation, terms of office, and replacements**

(secs. 5123.381(B) and 5123.382; Section 4)

Voting members of the Board are to be reimbursed for actual and necessary expenses incurred in the performance of their official duties, including reimbursement for reasonable costs for transportation, child care, and other costs related to serving on the Board.

Each term of office for a voting member of the Board is five years, with each term ending on the same day of the same month as the term it succeeds. Each member holds office from the date of the member's appointment until the end of the term for which the member is appointed. Members may be reappointed only once (for a maximum of 10 years of service on the Board).

A member continues in office subsequent to the expiration date of the member's term until the member's successor takes office or until 60 days have elapsed, whichever occurs first. Vacancies on the Board are to be filled in the same manner as initial members. Any member appointed to fill a vacancy occurring prior to the expiration date of the predecessor's term holds office for the remainder of that term.

Within 60 days after the effective date of the bill, the Governor is to make initial appointments to the Board. The initial appointments are to be staggered in length as follows: three of the initial appointments are for terms ending one year after the bill's effective date; three appointments are for terms ending two years after the bill's effective date; three appointments are for terms ending three years after the bill's effective date; three appointments are for terms ending four years after the bill's effective; and three appointments are for terms ending five years after the bill's effective date.

**Officers and meetings**

(sec. 5123.385)

The Board must select from among its membership a chairperson and vice-chairperson. The Board is permitted to select from among its members any other officers it considers necessary.

The Board is required to meet at the times and in the manner it specifies. The Board is permitted to hold public meetings to consider recommendations to

the Governor. A majority of the Board's voting members (eight members) constitutes a quorum. The Board may take action only when a quorum is present.

**Intent clause**

(Section 3)

The bill specifies that the General Assembly finds and declares all of the following:

(1) A growing number of families are searching for ways to empower themselves to keep their children with developmental disabilities in their homes and communities.

(2) Many families experience exceptionally high financial expenses and significant physical and emotional challenges in meeting the special needs of children with developmental disabilities.

(3) Children with developmental disabilities who could be part of their families and communities have been forced to live in out-of-home placements, often at public expense, due to the financial disincentives and program restrictions to care for children with developmental disabilities at home, resulting in a loss to both these families and to the state.

(4) Supporting families to keep their children with developmental disabilities at home is efficient and cost effective and improves the quality of life of the children and their families.

(5) Most families, especially families in unserved and underserved populations, do not have access to family-centered and family-directed services to support them in keeping their family together.

(6) Families of children with developmental disabilities provide support, care, and training to their children that save the state millions of dollars. Without the efforts of family caregivers, many children with developmental disabilities would receive care through state-supported out-of-home placements.

(7) Families of children with developmental disabilities are not permitted to make informed choices and decisions regarding the nature of family support services and other assistance made available to such families.

(8) Medical advancements and improved health care have increased the life span of many children with developmental disabilities. The combination of longer life spans and the aging of family caregivers place a continually increasing demand on the finite developmental disability service delivery systems.

(9) There is a need for a comprehensive system of support for families of children with developmental disabilities that is characterized by all of the following:

(a) Supports the cultural identities of families;

(b) Is family-centered and family-directed;

(c) Is readily accessible and individualized to meet the unique needs of the child and the child's family;

(d) Addresses all developmental disabilities and prevents gaps in services to families statewide;

(e) Avoids duplication and uses existing resources efficiently, including resources designed for persons without developmental disabilities.

(10) There is a need to fundamentally alter the planning, design, administration, governance, and evaluation of family support services and other assistance for families of children with developmental disabilities.

(11) It is the policy of this state that a family-centered and family-directed system be carried out in a manner consistent with the following principles:

(a) Family support must focus on the needs of the entire family.

(b) Families must be supported in determining their own needs and making their own decisions regarding services.

(c) Families must have the opportunity to choose and direct the services provided to them and to direct the development and operation of the service system.

(d) The family-centered and family-directed system must offer options that are flexible and responsive to the unique changing needs and to the strengths and cultural values of individual families.

(e) Families must be supported in their efforts to promote the integration and inclusion of their children with developmental disabilities in all aspects of community life.

(f) The family-centered and family-directed system must be accessible to families and maintain accountability without creating unnecessary administrative burdens.

(g) The family-centered and family-directed system must utilize existing community resources, including resources specifically for the developmentally disabled and those used by the general community.

(h) The family-centered and family-directed system must not be limited to certain developmental disabilities, but must be open to all developmental disabilities. The system must be designed to create a seamless system of family support and to bridge the gaps in service eligibility that are created by requirements for specific developmental disabilities.

(i) The family-centered and family-directed system must be proactive and not used solely to respond to crises.

(j) The family-centered and family-directed system must utilize technological advancements to make information readily available and accessible to families of children with developmental disabilities.

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>	<b>JOURNAL ENTRY</b>
Introduced	06-06-03	p. 549

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