

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 544\*  
Second Edition Engrossed 4/1/93  
House Committee Substitute Favorable 6/16/93

Short Title: MHDDSAS Early Intervention.

(Public)

Sponsors:

Referred to:

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 of the Council and the designation of the Council's chair shall be as  
2 follows: ~~specified in the 'Individual with Disabilities Education Act' (IDEA), P.L. 102-~~  
3 ~~119, the 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 that the Secretary, in cooperation with other appropriate  
31 agencies and upon the advice of the Interagency Coordinating Council  
32 for 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, if the person who is  
17 legally responsible for any eligible infant or toddler is first advised that the person may  
18 or may not grant permission for the insurer or other payor 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.