



SB0868/383220/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

04 MAR 22
15:20:07

BY: Senator Lee
(To be offered in the Finance Committee)

AMENDMENTS TO SENATE BILL 868
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike “self-directed services” and substitute “all models of services available to the recipient”.

AMENDMENT NO. 2

On page 3 in line 24, on page 4 in line 6, on page 8 in line 19, and page 9 in line 30, in each instance, strike “FAMILY” and substitute “AND FAMILY-DIRECTED”.

On page 3, in line 25, strike “THERAPIES, TRANSPORTATION” and substitute “ACTIVITIES”; and in line 28, after “PLAN” insert “OF SERVICE”.

On page 4, in line 3, strike “A” and substitute “ANOTHER”; in line 7, strike “ANY OTHER” and substitute “ALL”; and in the same line, strike “UNDER” and substitute “BY REGULATIONS ADOPTED OR”.

On page 5, in line 10, after “PERSON-CENTERED” insert “PLAN OF SERVICE”; in the same line, after “SERVICES” insert “AND SUPPORTS”; strike in their entirety lines 11 through 14, inclusive, and substitute:

“(1) IS DEVELOPED WITH A FOCUS ON THE INDIVIDUAL HAVING CONTROL OVER THE SERVICES AND SUPPORTS;

“(2) ENSURES THAT THE INDIVIDUAL AND ANY OTHER PERSON SELECTED BY THE INDIVIDUAL IS THE PRIMARY CONTRIBUTOR TO THE GOALS OR OUTCOMES IDENTIFIED IN THE PLAN;

(3) IDENTIFIES AND ADDRESSES, TO THE EXTENT PRACTICABLE:

**(I) THE INDIVIDUAL'S PREFERENCES AND INTERESTS
RELATED TO ACHIEVING THE INDIVIDUAL'S DESIRED LIFESTYLE; AND**

**(II) THE SUPPORTS REQUIRED TO ACHIEVE THE
INDIVIDUAL'S DESIRED LIFESTYLE AND PROVIDED IN A MANNER THAT ENABLES
THE INDIVIDUAL TO HAVE CONTROL OVER THE INDIVIDUAL'S DAILY LIFE AND
MAINTAINS THE INDIVIDUAL'S HEALTH AND WELFARE; AND**

**(4) ALIGNS SERVICES AND SUPPORTS TO ENSURE THAT THE
INDIVIDUAL HAS ACCESS TO THE FULL BENEFITS OF COMMUNITY LIVING IN A
MANNER THAT EMPHASIZES THE INDIVIDUAL'S QUALITY OF LIFE, WELL-BEING,
AND INFORMED CHOICE.**;

and in line 30, after "SUPPORTS" insert "**CHOSEN BY THE PARTICIPANT OR THE
PARTICIPANT'S REPRESENTATIVE**".

On page 6, in line 1, strike "FURTHERS" and substitute ":

1. FURTHERS;

in lines 2 and 3, strike "WITH DISABILITIES, REGARDLESS OF THE PHYSICAL OR
INTELLECTUAL CAPACITY OF THE INDIVIDUALS," and substitute "**AND THEIR
REPRESENTATIVES, AS APPLICABLE,**"; in lines 4 and 5, strike "THROUGH CONTROL
OVER RECEIPT OF, AND FUNDING FOR, SUPPORT SERVICES" and substitute "**BY
CHOOSING AND CONTROLLING THE DELIVERY OF WAIVER SERVICES, WHO
PROVIDES THE SERVICES, AND HOW SERVICES ARE PROVIDED; AND**

2. RECOGNIZES THAT ALL INDIVIDUALS HAVE THE CAPACITY TO MAKE CHOICES AND MAY BE SUPPORTED IN MAKING CHOICES;

in line 9, strike “AND”; in the same line, after “SUPERVISE” insert “, AND DISMISS”; in the same line, strike “INDIVIDUALS” and substitute “EMPLOYEES AND VENDORS”; in line 12, after “SPENT” insert “WITHIN THE TOTAL APPROVED ANNUAL BUDGET”; and in line 18, after “IMPROVE” insert “THE INDIVIDUAL’S”.

On page 7, in lines 4 and 5, strike “ADVOCATES ON BEHALF OF AND AS DIRECTED BY” and substitute “WORKS AT THE DIRECTION OF AND FOR THE BENEFIT OF”; in line 9, after “RECEIVES” insert “, INCLUDING DECISIONS RELATED TO PERSONNEL REQUIREMENTS AND RESOURCES NEEDED TO MEET THE REQUIREMENTS”; in line 11, strike “BEST SUITED”; and in line 12, after “INDIVIDUAL” insert “AND AS AUTHORIZED BY REGULATIONS ADOPTED OR GUIDANCE ISSUED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES UNDER § 1915(C) OF THE SOCIAL SECURITY ACT”.

On page 8, in line 3, after the first “SERVICES” insert “SPECIFICALLY”; in the same line, after “ON” insert “THE”; in the same line, after the second “SERVICES” insert “MODEL OF RECEIVING SERVICES”; in line 4, after “SERVICES” insert “, PROCEDURES,”; in the same line, after “POLICIES” insert a comma; in line 7, strike “THE AVAILABILITY OF SELF-DIRECTED SERVICES” and substitute “ALL MODELS OF SERVICE AVAILABLE TO THE RECIPIENT, INCLUDING SELF-DIRECTED SERVICES, TRADITIONAL SERVICES, AND PROVIDER-MANAGED SERVICES, TO ASSIST THE RECIPIENT AND THE RECIPIENT’S FAMILY OR REPRESENTATIVE IN MAKING AN INFORMED CHOICE ON WHICH SERVICES THE RECIPIENT WOULD LIKE TO RECEIVE”; in line 14, strike “OFFERED” and substitute “PROVIDED INFORMATION ON”; in the same line, after “SERVICES” insert “, TRADITIONAL SERVICES, AND PROVIDER-MANAGED SERVICES”; in line 21, strike “ON” and substitute “:

(Over)

(I) ON”;

in the same line, after “BASIS;” insert “AND”; after line 21, insert:

“(II) WITHIN THE LIMITS OF THE APPROVED ANNUAL BUDGET
GENERATED BY THE DEPARTMENT’S LONG TERM SERVICES AND SUPPORTS
SOFTWARE SYSTEM OR ITS REPLACEMENT SYSTEM;”;

in line 24, after “SYSTEM” insert “OR ITS REPLACEMENT SYSTEM”; and in line 26,
after “RECIPIENT” insert “AND WITHIN THE RECIPIENT’S TOTAL APPROVED
ANNUAL BUDGET”.

On page 9, strike beginning with “FOR” in line 2 down through “TO” in line 4 and substitute “TO THE OWNER OF A SPECIALIZED, MODIFIED, OR ACCESSIBLE
VEHICLE DRIVEN BY AN EMPLOYEE OF THE RECIPIENT AND FOR THE PURPOSE
OF THE RECIPIENT ENGAGING IN ACTIVITIES SPECIFIED IN”; strike beginning with
“SUBSTANTIALLY” in line 7 down through “POSITIONS” in line 9 and substitute “THE
ABILITY TO USE FUNDS FROM THE RECIPIENT’S APPROVED ANNUAL BUDGET FOR
THE PURPOSE OF FUNDING AT LEAST ONE POSITION TO ASSIST THE RECIPIENT
IN MANAGING THE RECIPIENT’S HOME, STAFF, AND OTHER ADMINISTRATIVE
DUTIES AND PAY ADMINISTRATIVE EXPENSES NEEDED TO OPERATE THE
RECIPIENT’S PLAN OF SERVICE, INCLUDING INTERNET SERVICE AND OFFICE
EQUIPMENT”; in line 11, after “SUPPORTS” insert “PROVIDED THROUGH PERSONAL
SUPPORT SERVICES CARRIED OUT USING THE RECIPIENT’S EMPLOYER OR
BUDGET AUTHORITY”; in the same line, after the first “THE” insert “EMPLOYEE,
VENDOR, OR”; strike beginning with “, INCLUDING” in line 12 down through
“SUPPORTS” in line 14; in line 25, strike “UNDER” and substitute “BY REGULATIONS
ADOPTED OR”; in line 29, after “(C)” insert “(1)”; in the same line, strike “THE” and

substitute “SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE”; and in line 30, strike “(1)” and substitute “(I)”.

On page 10, in line 1, strike “(2)” and substitute “(II)”; in the same line, strike “OVERNIGHT SUPPORTS” and substitute “PERSONAL SUPPORT SERVICES”; in line 2, after “SERVICES” insert “THAT:”

1. ARE NECESSARY FOR THE HEALTH AND SAFETY OF THE RECIPIENT; AND

2. ARE AUTHORIZED BY REGULATIONS ADOPTED OR GUIDANCE ISSUED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES UNDER § 1915(C) OF THE SOCIAL SECURITY ACT.

(2) A RECIPIENT MAY NOT RECEIVE SERVICES OR SUPPORTS IN EXCESS OF THE RECIPIENT’S ANNUAL APPROVED BUDGET”;

in line 8, after the second “SERVICES” insert “, AS NEEDED BY THE RECIPIENT AND WITHIN THE RECIPIENT’S TOTAL APPROVED ANNUAL BUDGET”; and in line 11, strike “UNDER” and substitute “BY REGULATIONS ADOPTED OR”.