



**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
**Administration on Developmental Disabilities**

1. Log No. ADD-PI-88-2

2. Issuance Date: 1/5/88

3. Originating Office: Administration on Developmental Disabilities

4. Key Word: BSG-New Requirements

5. P.L. 100-146

6.

7.

PROGRAM INSTRUCTION

TO: Directors, State Administering Agencies  
Directors, State Planning Councils

SUBJECT: New Requirements for State Participation in  
the Basic State Grant Program for Planning  
and Services for Persons with Developmental  
Disabilities - FY 1988 Instruction and  
Allotments to States.

LEGAL AND RELATED REFERENCES: Public Law 100-146 Developmental Disabilities  
Act of 1987

45 CFR Part 1386, dated March 27, 1984.

CONTENT: Public Law 100-146 was signed on October 29,  
1987. Among the new requirements were provisions  
that require immediate State attention.

This instruction provides guidance to States on  
compliance with the additional requirements  
imposed on States by Sections 107, 122 and 124 of  
the Act. This interim guidance is being provided  
in order to minimize any disruption in the Basic  
State Grant Program, and the requirements set  
forth in this instruction are in addition to all  
other requirements of Public Law 100-146.

INSTRUCTION: States are advised that all requirements referred  
to in this guidance are in effect as of October 1,  
1987. No later than March 15, 1988, each State  
must submit to the appropriate Regional Office  
documentation that it will implement the  
requirements listed below in this Fiscal Year (FY  
1988). Third and fourth quarter formula grant  
awards will not be issued to any State which has  
not submitted the documentation in the form of  
amendments by March 15, 1988, to the currently  
approved Three Year State Plan. The requirements  
to be addressed in these amendments are numbers  
4, 5, 6, 7, and 11 of this issuance.

The remainder of the requirements must be addressed through either amendments to the Three Year State Plan for Fiscal Year 1989, the new three year State plan for Fiscal Years 1990 through 1992, or other appropriate action by the State as noted in this program instruction. Additional guidance relative to these requirements will be issued by ADD in the future.

These new requirements are:

Governor

- 1) Requirement that the Governor of the State determine before June 30, 1988 if he will exercise his discretion to retain in the State Plan, the designation of a State Agency that provides or pays for services for persons with developmental disabilities as the designated State agency to administer the Developmental Disabilities Basic State Grant Program. This determination can be made by the Governor of the State only after he has considered the comments of the general public and the non-State agency members of the State Planning Council with respect to the continued designation of such agency, and after the Governor has made an independent assessment of the impact that the designation of such agency has on the ability of the State Planning Council to serve as an advocate for persons with developmental disabilities.

If the Governor decides not to retain a service providing agency as the State administering agency for the developmental disabilities program, no action with regard to a new designation is required until the Three Year State plan for Fiscal Years 1990-1993 is submitted to the Administration on Developmental Disabilities.

This State plan must then include the new designation of an agency within the State which may be; the State Planning Council, if such Council may be designated a State agency under the laws of the State; a State agency that does not provide or pay for services made available to persons with developmental disabilities; or a State office, including the immediate office of the Governor of the State or a State Planning Office. (Sections 122(b)(1)(B) and 122(e)(1)).

State Planning Council and Governor

- 2) Requirement that by January 1, 1990, each State Planning Council prepare and transmit to the Governor of each State and the legislature of the State a final written report concerning the reviews and analysis required under numbers 6 and 7 of this policy issuance. The Governor is required to submit a copy of this report to the Secretary of the Department of Health and Human Services no later than January 15, 1990. This report must contain recommendations by the State Planning Council concerning:
- o the most appropriate agency or agencies of the State to be designated as responsible for the provision and coordination of services for persons with developmental disabilities who are traditionally underserved, such as persons with developmental disabilities attributable to physical impairment, persons with developmental disabilities attributable to dual mental impairments, and persons with developmental disabilities attributable to a combination of physical and mental impairments, and such other subpopulations of persons with developmental disabilities (including minorities) as the State Planning Council may identify; and
  - o the steps to be taken to include the data and recommendations obtained through the conduct of the reviews and analyses under requirements 6 and 7 of this policy issuance in the State Planning Council's ongoing advocacy, public policy, and model service demonstration activities. (Section 122(f)(4))

State Administering Agency and State Planning Council

- 3) Requirement that the State plan provide for the review and revision, not less often than once every three years, of the comprehensive Statewide plan to ensure the existence of appropriate planning, financial support and coordination, and to otherwise appropriately address, on a Statewide and comprehensive basis, urgent needs in the State for the provision of services for persons with developmental disabilities and the families of such persons. Such review and revision, and examination of the provision and the need for the provision in the State of the four Federal priority areas and the State priority area shall take into account the reviews and analysis conducted in accord with 6 and 7 in this policy issuance and the report required under 2 in this policy issuance and include at a minimum:

(a) an analysis of such priority areas in relation to limited support or lack of support for persons with developmental disabilities attributable to either physical impairment, mental impairment, or a combination of physical and mental impairments;

(b) an analysis of criteria for eligibility for services, including specialized services and special adaptation of generic services provided by agencies within the State, that may be causing persons with developmental disabilities to be excluded from receiving such services;

(c) an analysis of services, assistive technology, or knowledge which may be unavailable to assist persons with developmental disabilities;

(d) an analysis of existing and projected fiscal resources;

(e) an analysis of any other issues identified by the State Planning Council; and

(f) the formulation of objectives in both policy reform and service demonstration to address the issues described in clauses (a) through (e) for all subpopulations of persons with developmental disabilities which may be identified by the State Planning Council.

This requirement applies to the FY 1990-1992 Three Year State Plans. (Section 122(b)(5))

- 4) Requirement that the description in the State Plan of the extent and scope of services provided or to be funded to persons with developmental disabilities under other State plans or federally assisted State programs in which persons with developmental disabilities are eligible to participate include programs relating to job training, aging, programs for children with special health care needs and housing, comprehensive health and mental health and such other plans as the Secretary may specify. (Section 122(b)(2)(c)(i))
- 5) Requirement that the State plan describe a process and timetable for the completion by January 1, 1990, by the State Planning Council in the State, of the reviews, analyses, and final report described in requirements 6-9 below. (Section 122(b)(3))

State Planning Council

- 6) Requirement that each State Planning Council conduct a comprehensive review and analysis of the eligibility (of persons with developmental disabilities) for services provided, and the extent, scope, and effectiveness of the services provided and the functions performed by, all State agencies (including agencies which provide public assistance) which affect, or which potentially affect the ability of persons with developmental disabilities to achieve the goals of independence, productivity, and integration into the community, including persons with developmental disabilities attributable to physical impairment, mental impairment, or a combination of mental and physical impairments. (Section 122(f)(1))
- 7) )Requirement that each State Planning Council conduct a review and analysis of the effectiveness of, and consumer satisfaction with, the functions performed by, and the services provided or paid for from Federal and State funds by each of the State agencies (including agencies providing public assistance) responsible for performing functions for, and providing services to, all persons with developmental disabilities within the State. This review and analysis shall be based upon a statistically valid survey of a representative sample of persons with developmental disabilities receiving services from each such agency, and if appropriate, shall include their families. (Section 122(f)(2))
- 8) Requirement that each State Planning Council convene public forums, after the provision of public notice within the State to present the findings of the review and analysis of requirements 6 and 7 of this policy, issuance obtain comments from all interested persons in the State regarding the unserved and underserved populations of persons with developmental disabilities which result from physical impairment, mental impairment, or a combination of physical and mental impairments and obtain comments on any proposed recommendations concerning the removal of barriers to services for persons with developmental disabilities and to connect such services to existing State agencies by recommending the designation of one or more State agencies, as appropriate, to be responsible for the provision and coordination of such services. (Section 122(f)(3))

- \*9) Requirement that the Annual Report of the State Planning Council include a description of the State Planning Council's response to significant actions taken by the State with respect to each annual survey report and plan of corrections for cited deficiencies prepared pursuant to Section 1902(a)(31)(B) of the Social Security Act with respect to any intermediate care facility for the mentally retarded in such State. (Section 107(a)(4)).
- \*10) Requirement that the Annual Report of the State Planning Council include a description of the progress made in the State in, and any identifiable trends concerning, the setting of priorities for, policy reform concerning, and advocacy for, persons with developmental disabilities which are attributable to physical impairment, mental impairment, or a combination of physical and mental impairments, including any subpopulation of persons with developmental disabilities (including minorities) that the State Planning Council may identify under sections 122(b)(3) and 122(f). (Section 107(a)(5)).
- 11) Requirement that the State Planning Council include a representative of the State agency that administers funds under the Older Americans Act of 1965. (Section 124(b)(3))
- 12) Requirement that the State Planning Council have the authority to prepare and approve a budget using amounts paid to the State under the Basic State Grant Program to hire such staff and obtain the services of such professional, technical, and clerical personnel consistent with State law as the State Planning Council determines to be necessary to carry out its functions. (Section 124(c)(1))
- 13) Requirement that the staff and other personnel of a State Planning Council while working for the State Planning Council, shall be responsible solely for assisting the State Planning Council in carrying out its duties, and shall not be assigned duties by the designated State agency or any other agency or office of the State. (Section 124(c)(2))

\*While these reporting requirements become effective with the FY 1988 annual report due December 31, 1988, the activities to be reported on must be conducted during FY 1988.


If the required documentation is not received by March 15, 1988, the State will be subject to disallowance of expenditures of Fiscal Year 1988 funds expended during the first two quarters.

A Regional Office listing is attached for your information.

ATTACHMENTS : List of HDS Regional Offices for the Developmental Disabilities Program.

EFFECTIVE DATE: Date of Issuance

INQUIRIES TO: Regional Administrators, OHDS, Regions III, VI VII, IX.

  
Lucy C. Biggs  
Commissioner  
Administration on Developmental  
Disabilities

REGIONAL ADMINISTRATORS, OHDS - REGIONS III, VI, VII AND IX

Region III - Philadelphia  
(215) 596-6818

Mr. Richard Spitzborg  
Regional Administrator, OHDS  
P.O. Box 13716  
Philadelphia, PA 19101

Region VI - Dallas  
(214) 767-4540

Mr. William Acosta  
Regional Administrator, OHDS  
1200 Main Tower Building  
14th Floor  
Dallas, Texas 75202

Region VII - Kansas City  
(816) 374-3981

Mrs. Linda Carson  
Regional Administrator, OHDS  
601 F. 12th Street  
Kansas City, MO. 64106

Region IX - San Francisco  
(415) 556-7800

Mr. John McCarthy  
Acting Regional Administrator, OHDS  
50 United Nations Plaza  
San Francisco, CA 94102



Administration on Developmental Disabilities  
Regional Office Contacts

July 11, 1988

EASTERN REGION

Mr. Alvin Pearis  
Director of State Programs  
3535 Market Street  
Philadelphia, Pennsylvania 19101  
Telephone: (8) 596-0356 FTS  
(215) 596-1224 Comm.

Conn., Maine, Mass., N.H., R.I.,  
Vermont, N.Y., N.J., P.R., V.I.,  
Del., Md., PA., VA., WVA., D.C.

MIDWESTERN REGION

Mr. Robert Fain  
Director of State Programs  
601 East 12th Street  
Kansas City, Missouri 64106  
Telephone: (8) 867-5211 FTS  
(816) 426-5211 Comm.

Ill., Ind., Mich., Minn., Ohio,  
Wis., Iowa, Kansas, Mo., Neb., Col.,  
Montana, N.D., S.D., Utah, Wyoming

SOUTHERN REGION

Mr. Manuel Soto  
Regional Program Director  
1200 Main Tower, 10th Floor  
Dallas, Texas 75202  
Telephone: (8) 729-2623 FTS  
(214) 767-2623 Comm.

Ala., Fla., Ga., Kentucky, Miss.,  
N.C., S.C., Tenn., Ark., LA., N.M.,  
Okla., Texas

WESTERN REGION

Mr. Charles Hall  
Regional Program Director  
Federal Office Building  
50 United Nations Plaza Room 483  
San Francisco, California 94102  
Telephone: (8) 556-5814 FTS  
(415) 556-5814 Comm.

Ariz., California, Hawaii, Nev.,  
Guam, Samoa\* N. Mariannas Island\*,  
Trust Territory\* Alaska, Idaho,  
Idaho, Oregon, Washington

Currently, not participating in DD Program

**U.S. DEPARTMENT OF  
HEALTH AND HUMAN SERVICES**  
Washington, D.C. 20201

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300

Postage and Fees Paid  
U.S. DEPARTMENT OF H.H.S.  
HHS-393



001 EJEKDNNCIZ 00883  
CHAIRPERSON  
TX PLANNING COUNCIL FOR DD  
118 E RIVERSIDE DR  
AUSTIN TX 78704

[illegible]