

TITLE 39
HEALTH AND SAFETY

CHAPTER 46
IDAHO DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES ACT

39-4601. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Developmental Disabilities Services and Facilities Act of 1978."

[I.C., sec. 39-4601, as added by 1978, ch. 270, sec. 1, p. 624.]

39-4602. PURPOSE. It is declared to be the policy of the legislature of the state of Idaho to authorize and mandate the department of health and welfare to develop and coordinate services for developmentally disabled persons through adult and child development programs and through contracts with rehabilitation facilities. The complexities of developmental disabilities require the services of many state departments as well as those of the community. It is the intent of this chapter that the department of health and welfare will cooperate with recognized agencies, organizations and departments in implementing this chapter. Services should be planned and provided as a part of a continuum. A pattern of facilities, services and eligibility should be established which is sufficiently complete to meet the needs of each developmentally disabled person regardless of age or degree of disability, with consideration of the family.

[39-4602, added 1978, ch. 270, sec. 1, p. 624; am. 2010, ch. 235, sec. 26, p. 564.]

39-4603. DECLARATION OF RIGHTS. Persons with developmental disabilities shall have the same legal rights and responsibilities guaranteed all other persons by the constitution and laws of the United States of America and by the constitution and laws of the state of Idaho.

[39-4603, added 1978, ch. 270, sec. 1, p. 625.]

39-4604. DEFINITIONS. As used in this chapter:

(1) "Comprehensive developmental disability system" means a system of services including, but not limited to, the following basic services with the intention of providing alternatives to institutionalization:

- (a) Evaluation services;
- (b) Diagnostic services;
- (c) Treatment services;
- (d) Individualized developmental programs;
- (e) Extended sheltered employment and work activities;
- (f) Recreation services;
- (g) Domiciliary care services;
- (h) Special living arrangement services;
- (i) Counseling services;
- (j) Information and referral services;
- (k) Follow-along services; and
- (l) Transportation services.

(2) "Department" means the Idaho department of health and welfare.

(3) "Developmental disabilities facility" means any service or group of services which provide care to the developmentally disabled on an inpa-

tient, outpatient, residential, clinical or other programmatic basis, including sheltered workshops and adult and child development centers.

(4) "Developmental disability" is:

(a) Attributable to an impairment, such as intellectual disability, cerebral palsy, epilepsy, autism or other condition found to be closely related to or similar to one of these impairments that requires similar treatment or services or is attributable to dyslexia resulting from such impairments;

(b) Has continued or can be expected to continue indefinitely; and

(c) Constitutes a substantial limitation to such person's ability to function normally in society.

(5) "Habilitation" is the process of developing skills and abilities.

(6) "Normalization" is the process of providing services which promote a life as much as possible like that of the rest of the community, including living in the community and access to community resources.

(7) "Rehabilitation" is the process of improving skills or level of adjustment to increase the person's ability to maintain satisfactory independent or dependent functioning.

(8) "Substantial limitation" is:

(a) A disability which results in substantial function limitation in three (3) or more of the following areas of major life activity:

(i) Self-care;

(ii) Receptive and expressive language;

(iii) Learning;

(iv) Mobility;

(v) Self-direction;

(vi) Capacity for independent living; or

(vii) Economic self-sufficiency; and

(b) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment or other services which are:

(i) Lifelong or extended duration, and

(ii) Individually planned and coordinated.

[39-4604, added 1978, ch. 270, sec. 1, p. 625; am. 2010, ch. 235, sec. 27, p. 565.]

39-4605. DUTIES OF THE DEPARTMENT. The department shall provide appropriate services of habilitation and rehabilitation to the eligible population of developmentally disabled, and shall consult with the state council on developmental disabilities. The department shall be the primary agency responsible for the services set forth herein, and shall:

(1) Develop and prepare an annual plan for the initiation and maintenance of developmental disabilities services authorized in this chapter. Such services shall include, but not be limited to community comprehensive developmental disability services;

(2) Initiate and provide services which shall include, but not be limited to, community comprehensive developmental disabilities services;

(3) In order to provide services, enter into agreements with any person or persons, corporation or association, approved by the department, for the contracting of all or a portion of the costs of the care, treatment, maintenance, support and training of developmentally disabled persons; and

(4) Provide technical assistance for state and local personnel working in the field of developmental disabilities under this chapter.

Any person, corporation or association may make application to the department for approval and certification of the applicant's developmental disabilities facility. The department may either grant or deny certification or revoke certification previously granted after investigation of the applicant's facilities, to ascertain whether or not such facilities are adequate for the health, safety and the care, treatment, maintenance, training and support of developmentally disabled persons, in accordance with standards as set forth in rules and regulations promulgated by the board of health and welfare and consistent with existing national accreditation bodies.

[39-4605, added 1978, ch. 270, sec. 1, p. 626; am. 1980, ch. 325, sec. 8, p. 830.]

39-4606. ELIGIBILITY FOR SERVICES. Any person suspected of a developmental disability shall be eligible for initial intake and for diagnostic services through any comprehensive developmental disability center, without reference to any other eligibility criteria.

[39-4606, added 1978, ch. 270, sec. 1, p. 626.]

39-4607. EFFECT ON EXISTING FACILITIES. Nothing in this chapter shall be construed to prevent the continuation of existing developmental disabilities facilities or services in the state.

[39-4607, added 1978, ch. 270, sec. 1, p. 627.]

39-4608. DISCRIMINATION PROHIBITED. The services provided under this chapter shall be made available without discrimination on the basis of race, color, creed or ability to pay.

[39-4608, added 1978, ch. 270, sec. 1, p. 627.]