

House Study Bill 317

Conference Committee Text

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1 1 Section 1. Section [222.60](#), Code 1995, is amended by adding
1 2 the following new unnumbered paragraphs:
1 3 NEW UNNUMBERED PARAGRAPH. Prior to a county of legal
1 4 settlement approving the payment of expenses for a person
1 5 under this section, the county may require that the person be
1 6 diagnosed to determine if the person has mental retardation or
1 7 that the person be evaluated to determine the appropriate
1 8 level of services required to meet the person's needs relating
1 9 to mental retardation. The diagnosis and the evaluation may
1 10 be performed concurrently and shall be performed by an
1 11 individual or individuals approved by the county who are
1 12 qualified to perform the diagnosis or the evaluation.
1 13 Following the initial approval for payment of expenses, the
1 14 county of legal settlement may require that an evaluation be
1 15 performed at reasonable time periods. The cost of a county-
1 16 required diagnosis and an evaluation is at the county's
1 17 expense. In the case of a person without legal settlement or
1 18 whose legal settlement is unknown, the state may apply the
1 19 diagnosis and evaluation provisions of this paragraph at the
1 20 state's expense. A diagnosis or an evaluation under this
1 21 section may be part of a county's single entry point process
1 22 under section 331.440, provided that a diagnosis is performed
1 23 only by an individual qualified as provided in this section.
1 24 NEW UNNUMBERED PARAGRAPH. A diagnosis of mental
1 25 retardation under this section shall be made only when the
1 26 onset of the person's condition was prior to the age of
1 27 eighteen years and shall be based on an assessment of the
1 28 person's intellectual functioning and level of adaptive
1 29 skills. The diagnosis shall be made by an individual who is a
1 30 licensed psychologist or psychiatrist who is professionally
1 31 trained to administer the tests required to assess
1 32 intellectual functioning and to evaluate a person's adaptive
1 33 skills.

EXPLANATION

1 35 This bill relates to payment of expenses for persons with
2 1 mental retardation. The bill amends section 222.60, relating
2 2 to costs paid by a county of legal settlement or the state for
2 3 expenses associated with admission or commitment, treatment,
2 4 training, instruction, care, habilitation, support, and
2 5 transportation of persons with mental retardation in state,
2 6 public, or private facilities within or without the state.
2 7 The amendment authorizes a county to require a diagnosis to
2 8 determine if a person has mental retardation or an evaluation
2 9 of a person's mental retardation service needs prior to
2 10 approving the payment of the expenses. In addition, following
2 11 the initial approval for paying the expenses, the county may
2 12 require an evaluation to be performed at reasonable time
2 13 periods. If a person is without legal settlement or the
2 14 settlement is unknown the state may apply the same diagnosis
2 15 and evaluation provisions. The cost of an evaluation is to be
2 16 paid by the county of legal settlement or the state.
2 17 The bill also requires that a diagnosis of mental
2 18 retardation is made only when the onset of the person's
2 19 condition is prior to age 18 and is based on an assessment of
2 20 the persons' intellectual functioning and level of adaptive
2 21 skills. The individual performing the diagnosis must be a

2 22 licensed psychologist or psychiatrist who is professionally
2 23 trained to administer the tests and evaluate skills.
2 24 The bill specifies that a diagnosis or an evaluation can be
2 25 performed as part of a county's single entry point process
2 26 under section 331.440 provided that a diagnosis is performed
2 27 by an individual qualified as provided in the bill. The
2 28 single entry point process under section 331.440 authorizes a
2 29 clinical assessment to be performed by using a qualified
2 30 mental retardation professional.
2 31 LSB 2538HC 76
2 32 jp/jj/8