



MENTAL RETARDATION BULLETIN

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF PUBLIC WELFARE

DATE OF ISSUE

February 19, 2003

EFFECTIVE DATE

Immediately

NUMBER

00-03-02

SUBJECT:

Site Visits and Access by Pennsylvania Protection and Advocacy, Inc.

BY:

Gerald Radke
Deputy Secretary for Mental Health

BY:

Nancy R. Thaler
Deputy Secretary for Mental Retardation

BY:

William A. Gannon
Deputy Secretary for Social Programs

BY:

Wayne Stevenson, Deputy Secretary for
Children, Youth, and Families

SCOPE:

County MH/MR Administrators
Community Home Directors
Non-State Operated Intermediate Care Facilities for the Mentally Retarded
(ICF/MR) Directors
State Operated Intermediate Care Facilities for the Mentally Retarded (ICF/MR)
Directors
Base Service Unit Directors
Intermediate Care Facilities for Persons with Other Related Conditions
(ICF/ORC) Directors
Family Living Home Directors
Adult Training Facility Directors
Vocational Facility Directors
County Children and Youth Administrators
Private Children and Youth Agency Directors
Personal Care Homes
Attendant Care Directors
Community Service Program for Persons with Physical Disabilities Providers
Community Residential Rehabilitation Services (CRRS) Directors
Psychiatric Outpatient Clinic Directors
Partial Hospitalization Program Directors
Psychiatric Hospital Directors
Long Term Structured Residence Program Directors
Residential Treatment Facility Program Directors

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

Regional Program Managers for Mental Retardation; Headquarters Program Managers, Office of Social Programs; Area Directors for Mental Health; and Regional Children & Youth Directors

SCOPE (CONTINUED):

Family Based Mental Health Service Directors
 Crisis Intervention Services Directors
 Intensive Case Management/Resource Coordinator Directors

PURPOSE:

The purpose of this bulletin is to provide the relevant statutes related to Pennsylvania Protection and Advocacy, Inc. (PP&A) staff, subcontractors and designated agents in order for them to have access to individuals with disabilities, the facilities in which they receive services and their records in accordance with its federal statutory mandate to protect and advocate for the rights of persons with disabilities.

STATUTES:

PP&A is an independent, private, non-profit organization designated by the Commonwealth of Pennsylvania to protect and advocate for persons with disabilities. In carrying out its mission, PP&A operates under the authority of three federal statutes:

- The Developmental Disabilities Act (“DD Act”)

The DD Act has been in effect since 1975. The DD Act covers PP&A’s responsibilities with regard to persons with developmental disabilities. 42 U.S.C. 15041-15043 (relevant excerpts in Appendix A).

- The Protection and Advocacy for Individuals with Mental Illness Act (“PAIMI”)

First enacted in 1986, PAIMI sets forth PP&A’s responsibilities for persons who have mental illness. 42 U.S.C. 10801 et seq (relevant excerpts in Appendix B).

- The Protection and Advocacy of Individual Rights Act (“PAIR”)

PAIR extends the responsibility of PP&A to all persons with disabilities who are not otherwise covered by the DD and PAIMI Acts (One example: persons with physical disabilities that occurred after age 21). 29 U.S.C. 794e. (Appendix C)

These protection and advocacy laws give PP&A authority to investigate allegations of abuse and neglect. These statutes and their implementing regulations set forth the extent of PP&A’s right to access individuals with disabilities, their records and facilities in which they receive treatment. This is consistent with the Department’s mission to protect and serve Pennsylvania’s most vulnerable citizens. The Department values the on-going monitoring and oversight of all services and programs provided to persons under its supervision.

These federal laws supersede all inconsistent state laws including the Peer Review Protection Act and the Child Protective Services Law. Agencies’ are advised to consult with their legal counsel regarding the agency compliance with statutory requirements.

OBSOLETE BULLETINS:

Mental Retardation Bulletin titled, "Site Visits and Access to Records by Pennsylvania Protection and Advocacy, Inc.," issued August 22, 1994, numbered 00-94-19, is rescinded.

Mental Health Bulletin titled, "Access to Mental Hospitals and Restoration Center by Employees of the Pennsylvania Protection and Advocacy, and its Legal Counsel," issued May 15, 1991, numbered SMH-91-02, is rescinded

APPENDIX A

Developmental
Disabilities Assistance and Bill of Rights Act of 2000

42 USC 15002.

(8) DEVELOPMENTAL DISABILITY.

(A) In GENERAL – The term “developmental disability” means a severe, chronic disability of an individual that -

(i) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(ii) is manifested before the individual attains age 22;

(iii) is likely to continue indefinitely;

(iv) results in substantial functional limitations in 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.
- (VII) Economic self-sufficiency; and

(v) reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

(B) INFANTS AND YOUNG CHILDREN – An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

42 USC 15043. SEC. 143. SYSTEM REQUIRED

(a) SYSTEM REQUIRED – In order for a State to receive an allotment under subtitle B or this subtitle -

(1) the State shall have in effect a system to protect and advocate the rights of individuals with developmental disabilities;

(2) such system shall –

(A) have the authority to -

(i) pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of and advocacy for, the rights of such individuals within the State who are or who may be eligible for treatment, services, or habilitation, or who are being considered for a change in living arrangements, with particular attention to members of ethnic and racial minority groups; and

(ii) provide information on and referral to programs and services addressing the needs of individuals with developmental disabilities;

(B) have the authority to investigate incidents of abuse and neglect of individuals with developmental disabilities if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred;

(H) have access at reasonable times to any individual with a developmental disability in a location in which services, supports, and other assistance are provided to such an individual, in order to carry out the purpose of this subtitle;

(I) have access to all records of -

(i) any individual with a developmental disability who is a client of the system if such individual, or the legal guardian, conservator, or other legal representative of such individual, has authorized the system to have such access;

(ii) any individual with a developmental disability, in a situation in which -

(I) the individual, by reason of such individual's mental or physical condition, is unable to authorize the system to have such access;

(II) the individual does not have a legal guardian, conservator, or other legal representative, or the legal guardian of the individual is the State; and

(III) a complaint has been received by the system about the individual with regard to the status or treatment of the individual or, as a result of monitoring or other activities, there is probable cause to believe that such individual has been subject to abuse or neglect; and

(iii) any individual with a developmental disability, in a situation in which -

(I) the individual has a legal guardian, conservator, or other legal representative;

(II) a complaint has been received by the system about the individual with regard to the status or treatment of the individual or, as a result of monitoring or other activities, there is probable cause to believe that such individual has been subject to abuse or neglect;

(III) such representative has been contacted by such system, upon receipt of the name and address of such representative;

(IV) such system has offered assistance to such representative to resolve the situation; and

(V) such representative has failed or refused to act on behalf of the individual;

(J)(i) have access to the records of individuals described in subparagraphs (B) and (I), and other records that are relevant to conducting an investigation, under the circumstances described in those subparagraphs, not later than 3 business days after the system makes a written request for the records involved; and

(ii) have immediate access, not later than 24 hours after the system makes such a request, to the records without consent from another party, in a situation in which services, supports, and other assistance are provided to an individual with a developmental disability -

(I) if the system determines there is probable cause to believe that the health or safety of the individual is in serious and immediate jeopardy; or

(II) in any case of death of an individual with a developmental disability:

APPENDIX B

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From the U.S. Code Online via GPO Access

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[Laws in effect as of January 23, 2001]

[Document affected by Public Law 106-310 Section 3206 (b)]

[Document affected by Public Law 106-402 Section 401 (b) (13) (A)]

[CITE: 42USC10802]

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 114 – PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS

SUBCHAPTER 1 – PROTECTION AND ADVOCACY SYSTEMS

Part A – Establishment of Systems

Sec. 10802. Definitions

For purposes of this subchapter:

(1) The term “abuse” means any act or failure to act by an employee of a facility rendering care or treatment which was performed, or which was failed to be performed, knowingly, recklessly, or intentionally, and which caused, or may have caused injury or death to a \1\ individual with mental illness, and includes acts such as --

\1\ So in original. Probably should be “an”.

(A) the rape or sexual assault of a \1\ individual with mental illness;
(B) the striking of a \1\ individual with mental illness;
(C) the use of excessive force when placing a \1\ individual with mental illness in bodily restraints
(D) the use of bodily or chemical restraints on a \1\ individual with mental illness which is not in compliance with Federal and State laws and regulations.

(2) The term “eligible system” means the system established a State to protect and advocate the rights of persons with developmental disabilities under part C of the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C. 6041 et seq.].

(3) The term “facilities” may include, but need not be limited to, hospitals, nursing homes, community facilities for individuals with mental illness, board and care homes, homeless shelters, and jails and prisons.

(4) the term “individual with mental illness” means an individual –
(A) who has a significant mental illness or emotional impairment, as determined by a mental health professional qualified under the laws and regulations of the State; and

(B)(i)(I) who is an inpatient or resident in a facility rendering care or treatment, even if the whereabouts of such inpatient or resident are unknown;
(II) who is in the process of being admitted to a facility rendering care or treatment, including persons being transported to such a facility; or”;
(III) who is involuntarily confined in a municipal detention facility for reason other than serving a sentence resulting from conviction for a criminal offense; or
(ii) who satisfies the requirements of subparagraph (A) and lives in a community setting, including their own home.

(5) The term “neglect” means a negligent act or omission by any individual responsible for providing services in a facility rendering care or treatment which caused or may have caused injury or death to

WAIS Document Retrieval

a \1\ individual with mental illness or which placed a \1\ individual with mental illness at risk of injury or death, and includes an act or omission such as the failure to establish or carry out an appropriate individual program plan or treatment plan for a \1\ individual with mental illness, the failure to provide adequate nutrition, clothing, or health care to a \1\ individual with mental illness, or the failure to provide a safe environment for a \1\ individual with mental illness, including the failure to maintain adequate numbers of appropriately trained staff.

(6) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

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[Laws in effect as of January 23, 2000]

[Document not affected by Public Laws enacted between January 23, 2000 and December 4, 2001]

[CITE: 42USC10805]

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 114 – PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS

SUBCHAPTER I – PROTECTOIN AND ADVOCACY SYSTEMS

Part A – Establishment of Systems

Sec. 10805. System requirements

(a) Authority; independent status; access to facilities and records; advisory council; annual report; grievance procedure

A system established in a State under section 10803 of this title to protect and advocate the rights of individuals with mental illness shall –

(1) have the authority to –

(A) investigate incidents of abuse and neglect of individuals with mental illness if the incidents are reported to the system of it there is probable cause to believe that the incidents occurred;

(B) pursue administrative, legal, and other appropriate remedies to ensure the protection of individuals with mental illness who are receiving care or treatment in the State; and

(C) pursue administrative, legal, and other remedies on behalf of an individual who –

(i) was a \1\ individual with mental illness; and

\1\ So in original. Probably should be “an”.

(ii) is a resident of the State, but only with respect to matters which occur within 90 days after the date of the discharge of such individual from a facility providing care or treatment;

(2) be independent of any agency in the State which provides treatment or services (other than advocacy services) to individuals with mental illness;

(3) have access to facilities in the State providing care or treatment;

(4) in accordance with section 10806 of this title, have access to all records of –

(A) any individual who is a client of the system if such individual, or the legal guardian, conservator, or other legal representative of such individual, has authorized the system to have such access;

(B) any individual (including an individual who has died or whose whereabouts are unknown) --

(i) who by reason of the mental or physical condition of such individual is unable to authorize the system to have such access;

(ii) who does not have a legal guardian, conservator, or other legal representative, or for whom the legal guardian is the State; and

(iii) with respect to whom a complaint has been received by the system of with respect to whom as a result of monitoring or other activities (either of which result

from a complaint or other evidence) there is probable cause to believe that such individual has been subject to abuse or neglect; and

(C) any individual with a mental illness, who has a legal guardian, conservator, or other legal representative, with respect to whom a complaint has been received by the system or with respect to whom there is probable cause to believe the health or safety of the individual is in serious and immediate jeopardy, whenever –

- (i) such representative has been contacted by such system upon receipt of the name and address of such representative;
- (ii) such system has offered assistance to such representative to resolve the situation; and
- (iii) such representative has failed or refused to act on behalf of the individual;

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[Document not affected by Public Laws enacted between January 23, 200 and December 4, 2001]

[CITE: 42USC10806]

TITLE 42 – THE PUBLIC HEALTH AND WELFARE

CHAPTER 114 – PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS

SUBCHAPTER I – PROTECTION AND ADVOCACY SYSTEMS

Part A – Establishment of Systems

Sec. 10806. Access to records

(a) An eligible system which, pursuant to section 10805(a) (4) of this title, has access to records which, under Federal or State law, are required to be maintained in a confidential manner by a provider of mental health services, shall, except as provided in subsection (b) of this section, maintain the confidentiality of such records to the same extent as is required of the provider of such services.

(b) (1) Except as provided in paragraph (2), an eligible system which has access to records pursuant to section 10805 (a) (4) of this title may not disclose information from such records to the individual who is the subject of the information if the mental health professional responsible for supervising the provision of mental health services to such individual has provided the system with a written determination that disclosure of such information to such individual would be detrimental to such individual's health.

(2) (A) If disclosure of information has been denied under paragraph (1) to an individual -

(i) such individual ;
(ii) the legal guardian, conservator, or other legal representative of such individual; or

(iii) an eligible system, acting on behalf of an individual described in subparagraph (B), may select another mental health professional to review such information and to determine if disclosure of such information would be detrimental to such individual's health. If such mental health professional determines, based on professional judgment, that disclosure of such information would not be detrimental to the health of such individual, the system may disclose such information to such individual.

(B) An eligible system may select a mental health professional under subparagraph (A) (iii) on behalf of –

(i) an individual whose legal guardian is the State; or
(ii) an individual who has a legal guardian, conservator, or other legal representative other than the State if such guardian, conservator, or representative does not, within a reasonable time after such individual is denied access to information under paragraph (1), select a mental health professional under subparagraph (A) to review such information

(C) If the laws of a State prohibit an eligible system from obtaining access to the records of individuals with mental illness in accordance with section 10805 (a) (4) of this title and this section, section 10805 (a) (4) of this title and this section shall not apply to such system before—

(i) the date such system is no longer subject to such a prohibition; or

(ii) the expiration of the 2-year period beginning on May 23, 1986, whichever occurs first.

(3)(A) As used in this section, the term "records" includes reports prepared by any staff of a facility rendering care and treatment or reports prepared by an agency charged with investigating reports of incidents of abuse, neglect, and injury occurring at such facility that describe incidents of abuse, neglect, and injury occurring at such facility and the steps taken to investigate such incidents, and discharge planning records.

(B) An eligible system shall have access to the type of records described in subparagraph (A) in accordance with the provisions of subsection (a) of this section and paragraphs (1) and (2) of subsection (b) of this section.

APPENDIX C

UNITED STATES CODE ANNOTATED
TITLE 29. LABOR
CHAPTER 16 – VOCATIONAL REHABILITATION AND OTHER REHABILITATION SERVICES
SUBCHAPTER V – RIGHTS AND ADVOCACY

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Current through P.L. 107-293 (excluding P.L. 107-273, 107-279)
approved 11-13-02

§ 794e. Protection and advocacy of individual rights

(a) Purpose and construction

(1) Purpose

The purpose of this section is to support a system in each State to protect the legal and human rights of individuals with disabilities who –

(A) need services that are beyond the scope of services authorized to be provided by the client assistance program under section 732 of this title; and

(B)(i) are ineligible for protection and advocacy programs under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C.A. § 15041 et. Seq.] because the individuals do not have a developmental disability, as defined in section 102 of such Act (42 U.S.C. 6002) [FN1]; and

(ii) are ineligible for services under the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.) because the individuals with mental illness, as defined in section 102 of such Act (42 U.S.C. 10802).

(2) Construction

This section shall not be constructed to require the provision of protection and advocacy services that can be provided under the Assistive Technology Act of 1998.

(b) Appropriation less than \$5,500,000

For any fiscal year in which the amount appropriated to carry out this section is less than \$5,500,000, the Commissioner may make grants from such amount to eligible systems within States to plan for, develop outreach strategies for, and carry out protection and advocacy programs authorized under this section for individuals with disabilities who meet the requirements of subparagraphs (A) and (B) of subsection (a)(1) of this section.

(c) Appropriations of \$5,500,000 or more

(1) Reservations

(A) Technical assistance

For any fiscal year in which the amount appropriated to carry out this section equals or exceeds \$5,500,000, the Commissioner shall set aside less than 1.8 percent and not more than 2.2 percent of the amount to provide training and technical assistance to the systems established under this section.

(B) Grant for the eligible system serving the American Indian consortium

For any fiscal year in which the amount appropriated to carry out this section equals or exceeds \$10,500,000, the Commissioner shall reserve a portion, and use the portion to make a grant for the eligible system serving the American Indian consortium. The Commission shall make the grant in an amount of not less than \$50,000 for the fiscal year.

(2) Allotments

For any such fiscal year, after the reservations required by paragraph(1) have been made, the Commissioner shall make allotments from the remainder of such amount in accordance with paragraph (3) to eligible systems within States to enable such systems to carry out protection and advocacy programs authorized under this section for individuals referred to in subsection (b) of this section.

(3) System within States

(A) Population basis

Except as provided in subparagraph (B), from such remainder for each such fiscal year, the Commissioner shall make an allotment to the eligible system within a State of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

(B) Minimums

Subject to the availability of appropriations to carry out this section, and except as provided in paragraph (4), the allotment to any system under subparagraph (A) shall be not less than \$100,000 or 1/3 of 1 percent of the remainder for the fiscal year for which the allotment is made, whichever is greater, and the allotment to any system under this section for any fiscal year that is less than \$100,000 or 1/3 of 1 percent of such remainder shall be increased to the greater of the two amounts.

(4) Systems within other jurisdictions

(A) In general

For the purposes of paragraph (3)(B), Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall not be considered to be States.

(B) Allotment

The eligible system within a jurisdiction described in subparagraph (A) shall be allotted under paragraph (3)(A) not less than \$50,000 for the fiscal year for which the allotment is made.

(5) Adjustment for inflation

For any fiscal year, beginning in fiscal year 1999, in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section for the preceding fiscal year, the Commissioner shall increase each of the minimum grants or allotments under paragraphs (1)(B), (3)(B), and (4)(B) by a percentage that shall not exceed the percentage increase in the total amount appropriated to carry out this section between the preceding fiscal year and the fiscal year involved.

(d) Proportional reduction

To provide minimum allotments to systems within States (as increased under subsection (c)(5) of this section) under subsection (c)(3)(B) of this section, or to provide minimum allotments to systems within States (as increased under subsection (c)(5) of this section) under subsection (c)(4)(B) of this section, the Commissioner shall proportionately reduce the allotments of the remaining systems within States under subsection (c)(3) of this section, with such adjustments as may be necessary to prevent the allotment of any such remaining system within a State from being reduced to less than the minimum allotment for a system within a State (as increased under subsection (c)(5) of this section) under subsection (c)(3)(B) of this section, or the minimum allotment for a State (as increased under subsection (c)(5) of this section) under subsection (c)(4)(B) of this subsection, as appropriate.

(c) Reallotment

Whenever the Commissioner determines that any amount of an allotment to a system within a State for any fiscal year described in subsection (c)(1) of this section will not be expended by such system in carrying out the provisions of this section, the Commissioner shall make such amount available for carrying out the provisions of this section to one or more of the systems that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a system for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the system (as determined under the preceding provisions of this section) for such year.

(t) Application

In order to receive assistance under this section, an eligible system shall submit an application to the Commissioner, at such time, in such form and manner, and containing such information and assurances as the Commissioner determines necessary to meet the requirements of this section, including assurances that the eligible system will –

- (1) have in effect a system to protect and advocate the rights of individuals with disabilities;
- (2) have the same general authorities, including access to records and program income, as are set forth in subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C.A. § 15041 et seq.];
- (3) have the authority to pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the right of such individuals within the State or the American Indian consortium who are individuals described in subsection (a)(1) of this section;
- (4) provide information on and make referrals to programs and services addressing the needs of individuals with disabilities in the State of the American Indian consortium;

(5) develop a statement of objectives and priorities on an annual basis, and provide to the public, including individuals with disabilities and, as appropriate, the individuals' representatives, an opportunity to comment on the objectives and priorities established by, and activities of, the system including -

(A) the objectives and priorities for the activities of the system for each year and the rationale for the establishment of such objectives and priorities; and

(B) the coordination of programs provided through the system under this section with the advocacy programs of the client assistance program under section 732 of this title, the State long-term care ombudsman program established under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C.A. § 15001 et seq], and the Protection and Advocacy for Mentally Ill individuals Act of 1986 (42 U.S.C. 10801 et seq.);

(6) establish a grievance procedure for clients or prospective clients of the system to ensure that individuals with disabilities are afforded equal opportunity to access the services of the system; and

(7) provide assurance to the Commissioner that funds made available under this section will be used to supplement and not supplant the non-Federal funds that would otherwise be made available for the purpose for which Federal funds are provided.

(g) Carryover and direct payment

(1) Direct payment

Notwithstanding any other provision of law, the Commissioner shall pay directly to any system that complies with the provisions of this section, the amount of the allotment of the State or the grant for the eligible system that serves the American Indian consortium involved under this section, unless the State or American Indian consortium provides otherwise.

(2) Carryover

Any amount paid to an eligible system that serves a State or American Indian consortium for a fiscal year that remains unobligated at the end of such year shall remain available to such a system that serves that State or American Indian consortium for obligation during the next fiscal year for the purposes for which such amount was paid.

(h) Limitation on disclosure requirements

For purposes of any audit, report, or evaluation of the performance of the program established under this section, the Commissioner shall not require such a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

(i) Administrative cost

In any State in which an eligible system is located within a State agency, a State may use a portion of any allotment under subsection (c) of this section for the cost of the administration of the system required by this section. Such portion may not exceed 5 percent of the allotment.

(j) Delegation

The Commissioner may delegate the administration of this program to the Commissioner of the Administration on Developmental Disabilities within the Department of Health and Human Services.

(k) Report

The Commissioner shall annually prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report describing the types of services and activities being undertaken by programs funded under this section, the total number of individuals served under this section, the types of disabilities represented by such individuals, and the types of issues being addressed on behalf of such individuals.

(l) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1999 through 2003.

(m) Definitions

As used in this section:

(1) Eligible system

The term “eligible system” means a protection and advocacy system that is established under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C.A. § 15041 et seq.] and that meets the requirements of subsection (f) of this section.

(2) American Indian consortium

The term “American Indian consortium” means a consortium established as described in section 142 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042).

CREDITS

1999 Main Volume

(Pub. L. 93-112. Title V, §509, as added Pub.L. 102-569, Title V, § 510(a), Oct. 29, 1992, 106 Stat. 4430, and amended Pub. L. 103-73, Title 1, § 112(c), Aug. 11, 1993, 107 Stat. 727; Pub.L. 105-12, § 9(n), Apr. 30, 1997, 111 Stat. 28; Pub.L. 105-220, Title IV, § 408(c), Aug. 7, 1998, 112 Stat. 1206.)

2002 Electronic Update

(As amended Pub. L. 105-394, Title IV, § 402©, Nov. 13, 1998, 112 Stat. 3662; Pub. L. 106-402, Title IV § 401(b)(3)(C), (D), Oct. 30, 2000 114 Stat. 1738.)

[FN1] So in original. Probably should be “(42 U.S.C. 15002)”

<General Materials (GM) – References, Annotations, or Tables>

HISTORICAL AND STATUTORY NOTES

1973 Acts. Senate Report No. 93-318 and House Conference Report No. 93-500, see 1973 U.S. Code Cong. And Adm. News, p. 2076

1992 Acts. Senate Report No. 102-357, House Conference Report No. 102-973, and Statement by Presiden, see 1992 U.S. Code Cong. And Adm. News, p.3712.

1998 Acts. House Conference Report No. 105-659, see 1998 U.S. Code Cong. And Adm. News, p.343.

200 Acts. Statement by President, see 2000 U.S. Code Cong. And Adm. News, p. 1797

References in Text

Subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, referred to in subsecs (a)(1)(B)(i), (f)(2), and (m)(1), is subtitle C (§§ 141 to 145) of Title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Pub.L. 106-402, Oct. 30, 2000, 114 Stat. 1712, which is classified principally to part C (§ 15041 et seq.) of subchapter I of chapter 144 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 15001 of Title 42 and Tables.

The Developmental Disabilities Assistance and Bill of Rights Act of 200, referred to in subsecs. (a)(1)(B)(i), (f)(2), (5)(B), and (m)(1), is Pub. L. 106-402, Oct. 30, 200, 114 Stat. 1677, which is classified principally to chapter 144 of Title 42 (42 U.S.C.A. §15001 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 15001 of Title 42 and Tables.