**A** **BILL**

TO AMEND SECTION 44‑21‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INTENT OF THE FAMILY SUPPORT SERVICES PROGRAM, SO AS TO PROVIDE THAT INDIVIDUALS AND FAMILIES SHOULD HAVE THE RIGHT TO SELECT A SPECIFIC PERSON OR AGENCY TO PROVIDE SERVICES OFFERED THROUGH THE PROGRAM; TO AMEND SECTION 44‑21‑20, AS AMENDED, RELATING TO TERMS USED IN CHAPTER 21, TITLE 44, SO AS TO ADD A DEFINITION FOR “SERVICE PROVIDER”; AND TO AMEND SECTION 44‑21‑50, AS AMENDED, RELATING TO DEVELOPMENT OF A WRITTEN PLAN ADDRESSING SERVICES NEEDED BY AN INDIVIDUAL OR FAMILY MEMBER, SO AS TO ADD REQUIREMENTS, INCLUDING A STATEMENT OF SERVICES TO BE PROVIDED BY A SERVICE PROVIDER AND THE SERVICE PROVIDER’S COMPENSATION, THE RIGHT OF AN INDIVIDUAL OR FAMILY TO REQUEST A SPECIFIC SERVICE PROVIDER, WITH EXCEPTIONS, AND THE RIGHT OF AN INDIVIDUAL OR FAMILY TO TERMINATE A REQUESTED SERVICE PROVIDER.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑21‑10(B) of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“(B) The intent of the Family Support Services Program provided for in this chapter is to assist individuals with disabilities and their families who desire or choose to support a family member with intellectual disability or a related disability or head injury, spinal cord injury, or similar disability in their home and to enable these individuals and families to select a specific agency or person to provide services that are needed for the individual or family member to remain in the home. The program is not meant to create a hardship on a family by supplanting or diverting access from other appropriate or necessary services. It is recognized that persons with intellectual disability or related disabilities or head injuries, spinal cord injuries, or similar disabilities have the right to receive services from public and other agencies that provide services to South Carolina citizens and to have those services coordinated with the services needed because of their disabilities. It is the position of this State that children and adults have the right to live with their families. The individual’s and family’s circumstances and desires must be taken into account when considering the appropriate types of services or supports which can best meet the needs of the individual and family.”

SECTION 2. Section 44‑21‑20 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44‑21‑20. As used in this chapter:

(1) ‘Department’ means the Department of Disabilities and Special Needs.

(2) ‘Family support’ means goods and services needed by individuals or families to care for themselves or their family members with intellectual disability or related disabilities or head injuries, spinal cord injuries, or similar disabilities and to enjoy a quality of life comparable to other community members.

(3) ‘Family Support Program’ or ‘program’ means a coordinated system of family support services administered by the department directly or through contracts with private nonprofit or governmental agencies across the State, or both.

(4) ‘Service provider’ means an private or public agency or a person, who may include a person related by blood, marriage, or adoption to the individual or family qualifying to receive services under the Family Support Program, that provides services to the individual or family for compensation pursuant to Section 44‑21‑60.”

SECTION 3. Section 44‑21‑50 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44‑21‑50. (A) The contracted agency shall assist each individual or family for whom services will be provided in assessing its needs and shall prepare a written plan with the person and family, which must be signed by the person or an adult member of the family and the contracted agency. The written plan must set forth the services to be provided by a service provider and the service provider’s compensation, such as the hourly rate, a work schedule, and any other benefits. The needs and preferences of the individual and family will be the basis for determining what goods and services will be provided within the resources available.

(B) An individual or family may direct the contracted agency to select a specific agency or person to be the service provider, which the contracted agency must approve as long as the specific agency or person is qualified to provide the services. The individual or family has the authority to terminate the requested service provider at any time.”

SECTION 4. This act takes effect upon approval by the Governor.

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