

### **347.020 Definitions.**

As used in this chapter, unless the context requires otherwise:

- (1) "Active treatment" means provision of services as specified in an individualized service plan. These services may include but are not limited to activities, experiences, and therapy which are part of a professionally developed and supervised program of health, social, habilitative, and developmental services;
- (2) "Case management services" means all such services to persons with developmental disabilities as will assist them in gaining access to needed social, medical, legal, educational, and other services, and such term includes:
  - (a) Follow-along services which assure, through a continuing relationship between an agency or provider and a person with a developmental disability and the person's parent, if the person is a minor, or guardian, if the person has been adjudicated legally disabled, that the changing needs of the person and the family are recognized and appropriately met; and
  - (b) Coordinated services which provide to persons with developmental disabilities support, access to, and coordination of other services, information on programs and services and monitoring of the person's progress;
- (3) "Habilitation" means the process described in the individualized service plan by which a person is assisted to acquire and maintain physical, mental, and social skills which will enable him to live most efficiently and effectively in the least restrictive individually appropriate environment;
- (4) "Individualized service plan (ISP)" means a written plan of service based on an interdisciplinary approach which is revised as needed but no less than annually. The plan shall be developed by the interdisciplinary team and shall contain a statement of:
  - (a) The nature of the specific mental, physical, social, and developmental needs of the person;
  - (b) The specific services to be provided under this chapter, those services being provided under other state and federal laws, and a schedule for the provision of said services; and
  - (c) The least restrictive individually appropriate environment for the provision of services and active treatment;
- (5) "Individually appropriate" means responsive to the needs of the person as determined through interdisciplinary assessment and provided pursuant to an individualized service plan;
- (6) "Interdisciplinary team (IDT)" means those persons who work most directly with the individual in each of the professions, disciplines, and service areas that provide active treatment, services, and evaluations for the person, including the persons set forth in KRS 347.030(6). Prior to relocation to a more individually appropriate placement in accordance with his individualized service plan, the IDT shall include staff representing the current placement and staff representing the proposed placement;

- (7) "Least restrictive environment" means the individually appropriate residence and service delivery setting, including the entire array of residential alternatives as defined by this chapter, in which the person can function most effectively and independently, gaining, to the maximum extent possible, control over his environment, and shall be based solely on his needs as identified in his individualized service plan. This definition shall not be construed to abolish any existing residential or institutional alternatives as defined by this chapter;
- (8) "Monitor" means to conduct a systematic, coordinated, objective, qualitative review of services by a body independent of the agencies providing services under this chapter. This body shall include persons with developmental disabilities, parents, guardians, and professionals;
- (9) "Person with a developmental disability" means a person with a long-term disability which:
  - (a) Is attributable to a developmental or physical impairment or combination of developmental and physical impairments, including pervasive developmental disorders;
  - (b) Is likely to continue indefinitely;
  - (c) Results in substantial functional limitations in at least three (3) of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency;
  - (d) Requires special, generic, or interdisciplinary care and active treatment and services of extended duration; and
  - (e) Is manifested before the person attains age twenty-two (22);
- (10) "Representative" means any individual who can advise and advocate for a person with developmental disabilities and who shall serve at the request and pleasure of such person; provided, however, if the person with developmental disabilities is a minor or is legally disabled and has not requested a representative, the parent or guardian may request a representative to assist on behalf of a person with developmental disabilities;
- (11) "Residence" or "residential alternative" means the living space occupied by the person with a developmental disability, including single-person homes, natural family homes, institutional facilities, and all other types of living arrangements; and
- (12) "Services" means such residential, developmental, vocational, support and related services, training, and active treatment in the least restrictive, individually appropriate environment to provide for continuing development of independent or interdependent living skills of persons with developmental disabilities. These services include but are not restricted to diagnostic services; child development services; respite care; domestic assistance; consumer-directed attendant care; habilitation and rehabilitation, including behavioral therapies; speech, physical, and occupational therapy; recreational therapy and activities; training for parents, guardians, and care providers as requested by said persons; transportation; equipment; development of language and communication skills; interpreters; family

counseling, and case management.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 162, sec. 4, effective July 15, 2002. -- Created 1986 Ky. Acts ch. 469, sec. 2, effective July 15, 1986.