

**39-1806. Establishment of system of funding, quality assurance and contracting.** To carry out the provisions of this act, the secretary shall establish after consultation with representatives of community developmental disability organizations and affiliates thereof, and families and consumer advocates:

- (a) A system of adequate and reasonable funding or reimbursement for the delivery of community services that:
  - (1) For persons moving from institutions into the community, directs funding to follow in an amount not less than that which is required to reimburse community service providers for services as set forth in such person's plan for transfer from the institution to community services including expenses of relocation and initiation of services;
  - (2) consolidates federal and state funding sources;
  - (3) requires an independent, professional review of the rate structures on a biennial basis resulting in a recommendation to the legislature regarding rate adjustments. Such recommendation shall be adequate to support: (A) A system of employee compensation competitive with local conditions; (B) training and technical support to attract and retain qualified employees; (C) a quality assurance process which is responsive to consumers' needs and which maintains the standards of quality service; (D) risk management and insurance costs; and (E) program management and coordination responsibilities;
  - (b) a system of quality assurance based on standards set out in rules and regulations adopted by the secretary which insures effective service delivery, fiscal accountability and networking cooperation and which allows community service providers to present evidence of attainment of national accreditation or compliance with state or federal laws or rules and regulations, or both, to indicate compliance with such standards; and
  - (c) a system of contracting that:
    - (1) Authorizes open and equitable negotiation between contracting parties or their designated agent or agents;
    - (2) authorizes mediation by an independent entity chosen by the parties to the contract in the event of contract disputes and if mediation is not completed prior to the end of any existing contract, authorizes an extension of time of such existing contract or entering into a temporary contract;
    - (3) requires achievement and maintenance of community services standards by community service providers;
    - (4) includes compensation for community services which meet the individualized needs of persons with developmental disabilities for community services; and
    - (5) requires community developmental disability organizations to contract with those affiliates from whom a person with a developmental disability chooses services.

**History:** L. 1995, ch. 234, § 6; Jan. 1, 1996.