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HANDICAPPED PERSONS

Physically Handicapped: Establish Personal Attendant Care Program

CODE SECTION:	O.C.G.A. §§ 30-6-1 to -5 (new)
BILL NUMBER:	HB 1217
ACT NUMBER:	1337
SUMMARY:	The Act provides for an at-home personal attendant care program for the disabled. The program is to be administered by the Department of Human Resources.
EFFECTIVE DATE:	July 1, 1988

History

The bill was intended to address the needs of Georgia's physically handicapped persons by providing services to assist them in living independently.¹ Drafted and supported by the Division of Rehabilitative Services of the Department of Human Resources, the legislation was the first of its type introduced in the Georgia Legislature.²

Although similar federal legislation has existed since 1983, it has not addressed adequately the needs of the physically handicapped adult.³ The Federal Community Care Act (FCCA) establishes some programs⁴ which focus primarily on the needs of those who are disabled and at least sixty years old.⁵ The FCCA provides in-home personal care services such as assistance with bathing, exercising, and cooking.⁶ Thus, the disabled person may live independently at home rather than be cared for in an institution such as a nursing home.

The FCCA is limited in scope because preference is given to the elderly. Therefore, a large portion of the handicapped population is left without assistance. Moreover, provisions of the FCCA limit the amount and quality of services available.⁷ For example, the recipient of home

1. Telephone interview with Jeffrey Roulston, Program Coordinator for Independent Living Services Department of Human Resources, Division of Rehabilitative Services (Apr. 6, 1988) [hereinafter Roulston Interview].

2. *Id.*

3. *Id.*

4. 42 U.S.C. § 255 (1982).

5. 42 U.S.C. § 255(b)(3) (1982).

6. *Id.* at § 255(b)(2)(C).

7. Roulston Interview, *supra* note 1. In order for a typical physically handicapped adult to obtain independence, a personal attendant should be available at least twice

health services has little choice in a personal attendant, in the type of services needed, or in the timing of the visits. Therefore, handicapped recipients in need of personal attendant care are not guaranteed a program designed to meet their individual needs. In addition, when Medicaid funds the home service, eligibility is determined according to income.⁸ Thus, when the handicapped adult obtains employment due to increased independence, benefits are often terminated as a result of increased income. Most often the increased income has not yet reached the level that enables the handicapped individual to afford the high cost of personal attendant care, and thus, the service is discontinued.⁹

HB 1217 is an effort to address the needs of those persons not targeted by the FCCA and provide them with tailor-made programs. These programs allow a life at home, improve the quality of life because of increased independence and control, and enable the individual to obtain employment.¹⁰ The bill allows for a contractual relationship between the disabled person and the caregiver for particular services to be provided at particular times.¹¹ While eligibility is to be based on income, a sliding scale will be used so that those who obtain employment will retain financial assistance until their income is sufficient to pay for attendant services. The goal of the program is to establish a cost-sharing relationship that reaches many of the disabled nonelderly in Georgia who might benefit from personalized attendance within the home.¹²

HB 1217

The Act establishes an in-home personal attendant care program for the physically handicapped adult.¹³ The purpose of the Act is to enable "severely physically disabled adults to be able to live independently of nursing homes and institutions while obtaining training and possible employment."¹⁴ Standards for providing services,¹⁵ for training personnel,

daily. Assistance is required in the early morning to prepare for the coming day (and possibly for employment) and at the close of the day to ready the person for bed. The Federal Community Care Act (FCCA) does not provide for such specialized services.
Id.

8. 42 U.S.C. § 1396a(2)(10)(VI) (Supp. 1986).

9. Roulston Interview, *supra* note 1.

10. *Id.*

11. HB 1217 is designed to encompass a personal "contract" between the recipient and the personal attendant outlining the handicapped person's requirements. The FCCA, on the other hand, provides only basic services and not those designed to meet the particular needs of the individual. Roulston Interview, *supra* note 1.

12. *Id.*

13. O.C.G.A. §§ 30-6-1 to -5 (Supp. 1988).

14. O.C.G.A. § 30-6-2 (Supp. 1988).

15. Services available under the Act may include assistance with dressing, housecleaning, food preparation, getting in and out of bed, bathing, and transportation. O.C.G.A. § 30-6-3 (Supp. 1988).

and for evaluating the program will be developed by the Division of Rehabilitative Services in conjunction with the State Independent Living Council.¹⁶ The idea for this joint effort was proposed by the House Committee on Health and Ecology as an amendment to the original bill.¹⁷ The amendment appeared in the final version of the bill¹⁸ which passed unanimously in both houses.

The Act is perceived as a substantial step toward furthering independent living for Georgia's physically handicapped.¹⁹ However, the provisions of the bill cannot be put into effect in 1988 because the attendant care program was not included in the Department of Human Resources' budget for 1988. Representatives of the Division of Rehabilitative Services anticipate requesting \$250,000 from the General Assembly in 1989 to implement a program for thirty to forty physically handicapped persons across the state.²⁰

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16. O.C.G.A. § 30-6-5 (Supp. 1988). The Independent Living Council was established by amendment to the Federal Rehabilitative Act. The Council is composed of disabled persons from across the state who assist in the development and expansion of independent living programs within the state. 29 U.S.C. § 796d (1986).

17. HB 1217 (HCA), 1988 Ga. Gen. Assem.

18. O.C.G.A. § 30-6-5 (Supp. 1988).

19. Roulston Interview, *supra* note 1.

20. *Id.*