

**CHAPTER 962****PREVENTION OF DEVELOPMENTAL DISABILITIES****§3571. Prevention of developmental disabilities**

**1. Prevention of developmental disabilities; Department of Health and Human Services.** The Department of Health and Human Services shall serve as the principal agency for the primary prevention of developmental disabilities in the State and shall provide services for pregnant women and new mothers to minimize the likelihood of their having a developmentally disabled child. In particular, the department shall conduct professional education to assure that the best available prevention techniques are utilized by health care professionals in the State and shall assure that access to prenatal services exists for all women of childbearing age in the State.

[PL 1985, c. 484 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

**2. Counseling and support services; Department of Health and Human Services.** The Department of Health and Human Services shall institute programs of family counseling and support services for families with children who are developmentally disabled aged 0 to 5 years. The purpose of these counseling and support services must be to increase the family's understanding of the child's special needs and to enhance family members' abilities to cope with the physical and emotional strains experienced by families with disabled children.

[PL 2021, c. 348, §29 (AMD).]

**3. Preschool coordination projects; Department of Education.** The Department of Education through the preschool coordination projects shall ensure the provision of comprehensive developmental services, including physical therapy, speech and language therapy and occupational therapy to preschool children who are disabled or delayed. To the maximum extent possible, these programs must make use of existing 3rd party payors and coordinate services with local resources. In instances where needed services are not available, the department shall use authorized funds to enable preschool coordination projects to work with local providers, including public and private agencies and school units to develop new or expand existing service to meet these needs.

In addition, the Department of Education shall ensure that comprehensive health educational programs are available in state schools and that teacher training programs in the State include preparation in conduct of health educational programs.

[PL 2021, c. 348, §30 (AMD).]

**SECTION HISTORY**

PL 1985, c. 484 (NEW). PL 1989, c. 700, §A81 (AMD). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 2001, c. 354, §3 (AMD). PL 2003, c. 689, §B6 (REV). PL 2021, c. 348, §§29, 30 (AMD).

**§3572. Use of private agencies to deliver services**

Private agencies shall be used as appropriate to carry out the implementation of initiatives to prevent developmental disabilities in cooperation with the respective departments so that State Government agencies do not duplicate existing resources in the community and so that all available resources are used effectively to rapidly achieve the goal of preventing developmental disabilities in the State. [PL 1985, c. 484 (NEW).]

**SECTION HISTORY**

PL 1985, c. 484 (NEW).

**§3573. Reporting**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Developmental disability" means a disability attributable to a mental or physical impairment or combination of mental and physical impairments that:

- (1) Is manifested before the person reaches 22 years of age;
- (2) Is likely to continue indefinitely;
- (3) Results in substantial functional limitations in 3 or more of the following areas of major life activity:
  - (a) Self-care;
  - (b) Receptive and expressive language;
  - (c) Learning;
  - (d) Mobility;
  - (e) Self-direction;
  - (f) Capacity for independent living; and
  - (g) Economic self-sufficiency.

A person from birth through 9 years of age who has a substantial developmental delay or specific congenital or acquired condition may be considered to have a developmental disability without meeting 3 of the criteria stated in this subparagraph if there is a high probability that the person will meet those criteria later in life if services and supports are not provided to the person; and

(4) Reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services that are of a lifelong or extended duration and are individually planned and coordinated. [PL 2003, c. 602, §1 (NEW).]

B. "Mental and physical impairments" includes, but is not limited to, the following conditions: intellectual disability, autism, cerebral palsy, Asperger syndrome, mental illness, Prader-Willi syndrome and epilepsy. [PL 2011, c. 542, Pt. A, §36 (AMD).]  
[PL 2011, c. 542, Pt. A, §36 (AMD).]

**2. Reporting requirements.** The Department of Health and Human Services and Department of Education shall by January 15th of each year submit a joint report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding activities conducted over the past fiscal year related to the prevention of developmental disabilities and underlying mental and physical impairments and plans for such activities in the succeeding year. The report must also include data on the incidence rate of births of developmentally disabled children in the State.  
[RR 2003, c. 2, §74 (COR).]

**3. Limitation.** The provisions of this section may not be interpreted to expand or otherwise affect the requirements of the Department of Health and Human Services to provide services to children and families under section 3571, subsection 2 or under Title 34-B.  
[PL 2003, c. 602, §1 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

#### SECTION HISTORY

PL 1985, c. 484 (NEW). PL 1989, c. 700, §A82 (AMD). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 2001, c. 354, §3 (AMD). RR 2003, c. 2, §74 (COR). PL 2003, c. 602, §1 (RPR). PL 2003, c. 689, §B6 (REV). PL 2011, c. 542, Pt. A, §36 (AMD).

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