

How the law is supposed to work.

Developmental Disability Planning Councils were created to advocate for Developmentally Disabled persons who are unable to do it for themselves so that their civil and human rights were not ignored or violated by government agencies.

The Secretaries (or their designate) of the Human Services Department, Department of Health and the Public Education Department along with the Head of the Division of Vocational Rehabilitation are required to sit on the Developmental Disabilities Planning Council.

Each agency is required to provide data to the council for them to do a comprehensive review and analysis of the services Developmentally Disabled person are receiving from their agency and the unmet need of the those persons.

The council is supposed to use the data to quantify the unmet needs and to create a plan to inform legislators and the public of the needs and the recommended steps necessary to meet them.

How it works in New Mexico:

The Human Services Department and the Public Education Department don't bother to insure they attend Council meetings.

None of the state agencies provide data to the council regarding unmet needs so those needs can't be quantified.

The legislature and the public are kept in the dark regarding the unmet needs of the Developmentally Disabled population.

The result is:

New Mexico's Centennial Care system which serves about 900,000 New Mexicans excludes the Developmentally Disabled population from its Community Benefits programs.

New Mexico is the only state in the union that denies habilitation therapy to its Developmentally Disabled population who are on the waiting list for services.

The legislature has had to resort to a request for an Attorney General's investigation to acquire information that the Human Services Department is already required to provide under both state and federal law.

Developmental Disabilities Assistance and Bill of Rights Act of 2000

SEC. 109. RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

(3) The Federal Government and the States both have an obligation to ensure that public funds are provided only to institutional programs, residential programs, and other community programs, including educational programs in which individuals with developmental disabilities participate, that—

(A) provide treatment, services, and habilitation that are appropriate to the needs of such individuals; and

(B) meet minimum standards relating to—

(i) provision of care that is free of abuse, neglect, sexual and financial exploitation, and violations of legal and human rights and that subjects individuals with developmental disabilities to no greater risk of harm than others in the general population;

(ii) provision to such individuals of appropriate and sufficient medical and dental services;

SEC. 124. STATE PLAN.

(3) **COMPREHENSIVE REVIEW AND ANALYSIS.**—The plan shall describe the results of a comprehensive review and analysis of the extent to which services, supports, and other assistance are available to individuals with developmental disabilities and their families, and the extent of unmet needs for services, supports, and other assistance for those individuals and their families, in the State. The results of the comprehensive review and analysis shall include—

(A) a description of the services, supports, and other assistance being provided to individuals with developmental disabilities and their families under other federally assisted State programs, plans, and policies under which the State operates and in which individuals with developmental disabilities are or may be eligible to participate including particularly programs relating to the areas of emphasis, including—

(i) medical assistance, maternal and child health care, services for children with special health care needs, children's mental health services, comprehensive health and mental health services, and institutional care options;