**NC General Statutes - Chapter 143B**

Part 13. Council on Developmental Disabilities.

**§ 143B-177. Council on Developmental Disabilities - creation, powers and duties.**

There is hereby created the Council on Developmental Disabilities of the Department of Health and Human Services. The Council on Developmental Disabilities shall have the following functions and duties:

(1) To advise the Secretary of Health and Human Services regarding the development and implementation of the State plan as required by Public Law 98-527, the Developmental Disabilities Act of 1984, by:

1. Identifying ways and means of promoting public understanding of developmental disabilities;
2. Examining the federally assisted State programs of all State agencies which provide services for persons with developmental disabilities;
3. Describing the quality, extent and scope of services being provided, or to be provided, to persons with developmental disabilities in North Carolina;
4. Recommending ways and means for coordination of programs to prevent duplication and overlapping of such services;
5. Considering the need for new State programs and laws in the field of developmental disabilities; and
6. Conducting activities which will increase and support the independence, productivity, and integration into the community of persons with developmental disabilities.

(2)  To advise the Secretary of Health and Human Services regarding the coordination of planning and service delivery of all State-funded programs which provide service to persons with developmental disabilities by:

* 1. Gathering, analyzing and interpreting individual and aggregate needs

assessment data from all State agencies that provide services to

developmentally disabled;

* 1. Conducting special needs assessment studies as may be necessary;
	2. Specifying and supporting activities that will enhance the services

delivered by individual agencies by reducing barriers between

agencies;

* 1. Identifying service development priorities that require cooperative

interagency planning and development;

* 1. Providing coordinative and technical assistance in interagency

planning and development efforts; and

* 1. Coordinating interagency training efforts that will promote more

effective service delivery to persons with developmental disabilities.

(3)  To advise the Secretary of Health and Human Services regarding other matters relating to developmental disabilities and upon any matter the Secretary may refer to it. (1973, c. 476, s. 167; 1987, c. 780; 1997-443, s.

11A.118(a).)

**§ 143B-178. Council on Developmental Disabilities - definitions.**

The following definitions apply to this Chapter:

1. (1)  The term "developmental disability" means a severe, chronic disability of a

person which:

* 1. Is attributable to a mental or physical impairment or combination of

mental and physical impairments;

* 1. Is manifested before the person attains age 22, unless the disability is

caused by a traumatic head injury and is manifested after age 22;

* 1. Is likely to continue indefinitely;
	2. Results in substantial functional limitations in three or more of the

following areas of major life activity: (i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self- sufficiency; and

* 1. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.
1. (2)  The term "services for persons with developmental disabilities," as it is used in this Article, means:
	1. Alternative community living arrangement services, employment related activities, child development services, and case management services; and
	2. Any other specialized services or special adaptations of generic services including diagnosis, evaluation, treatment, personal care, child care, adult care, special living arrangements, training, education, sheltered employment, recreation and socialization, counseling of the individual with such a disability and of his family, protective and other social and sociolegal services, information and referral services, follow-along services, nonvocational social- developmental services, and transportation services necessary to assure delivery of services to persons with developmental disabilities, and services to promote and coordinate activities to prevent developmental disabilities. (1973, c. 476, s. 168; 1977, c. 881, ss. 1, 2; 1979, c. 752, s. 1 1987, c. 780; 1995, c. 535, s. 33; 1997-506, s. 61.)

**§ 143B-179. Council on Developmental Disabilities - members; selection; quorum; compensation.**

(a) The Council on Developmental Disabilities of the Department of Health and Human Services shall consist of 32 members appointed by the Governor. The composition of the Council shall be as follows:

1. (1)  Eleven members from the General Assembly and State government agencies as follows: One person who is a member of the Senate, one person who is a member of the House of Representatives, one representative of the Department of Public Instruction, one representative of the Division of Adult Correction of the Department of Public Safety, and seven representatives of the Department of Health and Human Services to include the Secretary or his designee.
2. (2)  Sixteen members designated as consumers of service for the developmentally disabled. A consumer of services for the developmentally disabled is a person who (i) has a developmental disability or is the parent or guardian of such a person, or (ii) is an immediate relative or guardian of a person with mentally impairing developmental disability, and (iii) is not an employee of a State agency that receives funds or provides services under the provisions of Part B, Title 1, P.L. 98-527, as amended, the Developmental Disabilities Act of 1984, is not a managing employee (as defined in Section 1126(b) of the Social Security Act) of any other entity that receives funds or provides services under such Part, and is not a person with an ownership or control interest (within the meaning of Section 1124(a)(3) of the Social Security Act) with respect to such an entity. Of these 16 members, at least one third shall be persons with developmental disabilities and at least another one third shall be the immediate relatives or guardians of persons with mentally impairing developmental disabilities, of whom at least one shall be an immediate relative or guardian of an institutionalized developmentally disabled person.
3. (3)  Five members at large as follows: One representative of the university affiliated facility, one representative of the State protection and advocacy system, one representative of a local agency, one representative of a nongovernmental agency or nonprofit group concerned with services to persons with developmental disabilities, and one representative from the public at large.

The appointments of all members, with the exception of those from the General Assembly and State agencies shall be for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall make appropriate provisions for the rotation of membership on the Council.

(b) The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of G.S. 143B-16.

NC General Statutes - Chapter 143B 92

The Governor shall designate one member of the Council to serve as chairman at his pleasure.

Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Council shall constitute a quorum for the transaction of business.

All clerical and other services required by the council shall be supplied by the Secretary of Health and Human Services. (1973, c. 476, s. 169; c. 1117; 1977, c. 881, s. 3; 1979, c. 752, s. 2; 1987, c. 780; 1997-443, s. 11A.118(a); 1997-456, s. 27; 2011-145, s. 19.1(h).)