

HOUSE BILL 694

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2000 Regular Session
0lr2055
CF 0lr2022

By: **Delegates Morhaim, Zirkin, Oaks, Finifter, D. Davis, Stull, Boutin,
Stern, Hammen, Owings, Hubbard, Klausmeier, Frush, Mohorovic,
Cane, and Nathan-Pulliam**

Introduced and read first time: February 10, 2000
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2000

CHAPTER _____

1 AN ACT concerning

2 **Advisory Council on Attention Deficit Hyperactivity Disorder**

3 FOR the purpose of establishing an Advisory Council on Attention Deficit
4 Hyperactivity Disorder; providing for the membership, chairman, ~~terms of~~
5 ~~office~~, and staff of the Advisory Council; requiring the Advisory Council to study
6 and take certain actions regarding attention deficit hyperactivity disorder;
7 requiring the Governor and State agencies to implement the recommendations
8 of the Task Force to Study the Uses of Methylphenidate and Other Drugs on
9 School Children; requiring ~~annual~~ certain reports by the Advisory Council;
10 providing for the termination of this Act; and generally relating to the Advisory
11 Council on Attention Deficit Hyperactivity Disorder.

12 BY adding to
13 Article 49D - Office for Children, Youth, and Families
14 Section 39 to be under the new subtitle "Advisory Council on Attention Deficit
15 Hyperactivity Disorder"
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 1999 Supplement)

18 Preamble

19 WHEREAS, The Task Force to Study the Uses of Methylphenidate and Other
20 Drugs on School Children, created by the General Assembly in 1997 and staffed with
21 leading national experts, issued recommendations in March 1999 which have not yet
22 been acted upon; and

1 WHEREAS, There are 1.5 million to 2.5 million children in the United States
2 under the age of 18 years who are currently experiencing attention deficit
3 hyperactivity disorder; and

4 WHEREAS, Professionals working with youth and parents need to understand
5 how to identify and manage attention deficit hyperactivity disorder; and

6 WHEREAS, The appropriate treatment of each case of attention deficit
7 hyperactivity disorder requires a collaboration among teachers, parents, and medical
8 personnel; and

9 WHEREAS, Teachers and school personnel require training and assistance in
10 dealing with children experiencing attention deficit hyperactivity disorder; and

11 WHEREAS, There is a need for State guidelines and uniform procedures
12 regarding the diagnosis and treatment of attention deficit hyperactivity disorder;
13 now, therefore

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 49D - Office for Children, Youth, and Families**

17 **ADVISORY COUNCIL ON ATTENTION DEFICIT HYPERACTIVITY DISORDER**

18 39.

19 (A) IN THIS SECTION, "ATTENTION DEFICIT HYPERACTIVITY DISORDER"
20 MEANS A PERSISTENT PATTERN OF INATTENTION, HYPERACTIVITY, OR IMPULSIVITY
21 THAT IS MORE FREQUENT AND SEVERE THAN IS TYPICALLY OBSERVED IN
22 INDIVIDUALS AT A COMPARABLE LEVEL OF DEVELOPMENT.

23 (B) THERE IS AN ADVISORY COUNCIL ON ATTENTION DEFICIT
24 HYPERACTIVITY DISORDER.

25 (C) (1) THE ADVISORY COUNCIL SHALL BE COMPOSED OF ~~23~~ 25 MEMBERS.

26 (2) THE MEMBERS SHALL BE AS FOLLOWS:

27 (I) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY
28 THE SPEAKER OF THE HOUSE;

29 (II) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY
30 THE PRESIDENT OF THE SENATE;

31 (III) ONE MEMBER WHO IS A SCHOOL PSYCHOLOGIST FROM THE
32 STATE BOARD OF EDUCATION, APPOINTED BY THE GOVERNOR;

33 (IV) ONE MEMBER OF THE MARYLAND STATE TEACHERS
34 ASSOCIATION WHO IS A TEACHER, APPOINTED BY THE GOVERNOR;

1 (V) SEVEN MEMBERS FROM THE MEDICAL COMMUNITY WHO ARE
2 EXPERTS ON ATTENTION DEFICIT HYPERACTIVITY DISORDER, APPOINTED BY THE
3 GOVERNOR;

4 (VI) TWO MEMBERS WHO ARE REGISTERED NURSES EMPLOYED AS
5 SCHOOL NURSES, APPOINTED BY THE GOVERNOR;

6 (VII) ONE MEMBER WHO IS A LICENSED PHYSICIAN, APPOINTED BY
7 THE STATE BOARD OF PHYSICIAN QUALITY ASSURANCE;

8 (VIII) ONE MEMBER WHO IS A LICENSED PSYCHOLOGIST, APPOINTED
9 BY THE STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS;

10 (IX) ONE MEMBER WHO IS A PARENT OF A CHILD WITH ATTENTION
11 DEFICIT HYPERACTIVITY DISORDER, APPOINTED BY THE GOVERNOR;

12 (X) ONE MEMBER WHO IS A CHILD CARE PROVIDER, APPOINTED BY
13 THE GOVERNOR;

14 (XI) ONE MEMBER WHO IS A MEMBER OF CHILDREN AND ADULTS
15 WITH ATTENTION DEFICIT DISORDER (CHADD), APPOINTED BY THE GOVERNOR;

16 (XII) TWO MEMBERS WHO ARE SPECIAL EDUCATION TEACHERS,
17 APPOINTED BY THE GOVERNOR;

18 (XIII) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE
19 SECRETARY'S DESIGNEE;

20 (XIV) THE SUPERINTENDENT OF STATE SCHOOLS OR THE STATE
21 SUPERINTENDENT'S DESIGNEE; ~~AND~~

22 (XV) THE SPECIAL SECRETARY OF THE OFFICE FOR CHILDREN,
23 YOUTH, AND FAMILIES OR THE SPECIAL SECRETARY'S DESIGNEE;

24 (XVI) ONE MEMBER WHO IS A COUNTY SUPERINTENDENT OF
25 SCHOOLS, APPOINTED BY THE GOVERNOR, OR THE COUNTY SUPERINTENDENT'S
26 DESIGNEE; AND

27 ~~(XV)~~ (XVII) ONE MEMBER OF THE MARYLAND DISABILITIES LAW
28 CENTER WHO HAS EXPERTISE IN DISABILITY LAW, APPOINTED BY THE GOVERNOR.

29 (D) THE GOVERNOR SHALL DESIGNATE THE CHAIRMAN OF THE ADVISORY
30 COUNCIL.

31 (E) THE OFFICE OF CHILDREN, YOUTH, AND FAMILIES SHALL ~~STAFF~~
32 COORDINATE THE STAFFING OF THE ADVISORY COUNCIL.

33 (F) A MEMBER OF THE ADVISORY COUNCIL:

34 (1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE ADVISORY
35 COUNCIL; BUT

1 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
2 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

3 ~~(G) (1) THE TERM OF A MEMBER SHALL BE 4 YEARS.~~

4 ~~(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE~~
5 ~~TERMS PROVIDED FOR MEMBERS OF THE ADVISORY COUNCIL ON JULY 1, 2000.~~

6 ~~(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A~~
7 ~~SUCCESSOR IS APPOINTED AND QUALIFIES.~~

8 ~~(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES~~
9 ~~ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND~~
10 ~~QUALIFIES.~~

11 ~~(H) (G) THE ADVISORY COUNCIL:~~

12 (1) MAY CONSULT ON A PRO BONO BASIS WITH EDUCATION AND
13 HEALTH OFFICIALS AND EXPERTS IN THIS STATE AND IN OTHER STATES AND
14 COUNTRIES;

15 ~~(2) SHALL CONVENE ONE OR MORE STATEWIDE OR REGIONAL~~
16 ~~CONFERENCES ON ATTENTION DEFICIT HYPERACTIVITY DISORDER ON A REGULAR~~
17 ~~BASIS:~~

18 ~~(F) FOR PARENTS, TEACHERS, CHILD CARE PROVIDERS, AND~~
19 ~~PRIMARY CARE PHYSICIANS; AND~~

20 ~~(H) TO EXAMINE THE LATEST INFORMATION ON:~~

21 1. ~~ATTENTION DEFICIT HYPERACTIVITY DISORDER;~~

22 2. ~~THE USE OF MEDICATIONS EFFECTIVE IN THE~~
23 ~~TREATMENT OF THE DISORDER; AND~~

24 3. ~~NONPHARMACOLOGICAL INTERVENTIONS IN THE~~
25 ~~TREATMENT OF ATTENTION DEFICIT HYPERACTIVITY DISORDER;~~

26 ~~(3) (2) SHALL REVIEW THE RELEVANT LITERATURE AND CURRENT~~
27 ~~RESEARCH, INCLUDING PROFESSIONAL SOCIETY PRACTICE GUIDELINES;~~

28 ~~(4) (3) MAY CONDUCT SURVEYS ON THE EXTENT OF ATTENTION~~
29 ~~DEFICIT HYPERACTIVITY DISORDER AND THE POLICIES AND TREATMENTS USED IN~~
30 ~~TREATING THE DISORDER;~~

31 ~~(5) (4) SHALL ASSIST ALL LOCAL SCHOOL SYSTEMS IN DESIGNING~~
32 ~~AND IMPLEMENTING WRITTEN GUIDELINES FOR THE OPTIMAL DIAGNOSIS AND~~
33 ~~TREATMENT OF ATTENTION DEFICIT HYPERACTIVITY DISORDER, FOLLOWING "BEST~~
34 ~~PRACTICES" WHILE COMPLYING WITH FEDERAL REQUIREMENTS;~~

1 ~~(6)~~ (5) SHALL DEVELOP AND DISTRIBUTE EDUCATIONAL PROGRAMS
2 AND MATERIALS CONCERNING ATTENTION DEFICIT HYPERACTIVITY DISORDER TO
3 PARENTS, EDUCATORS, CHILD CARE PROVIDERS, AND PRIMARY CARE PHYSICIANS;

4 ~~(7)~~ (6) SHALL ASSIST THE GOVERNOR AND STATE AGENCIES IN
5 IMPLEMENTING THE RECOMMENDATIONS OF THE MARCH 1999 REPORT OF THE TASK
6 FORCE TO STUDY THE USES OF METHYLPHENIDATE AND OTHER DRUGS ON SCHOOL
7 CHILDREN INCLUDING PERFORMING THE FOLLOWING TASKS:

8 (I) FACILITATING COMMUNICATION BETWEEN PHYSICIANS,
9 EDUCATORS, AND PARENTS;

10 (II) PROVIDING ONGOING TRAINING FOR PRIMARY CARE
11 PROVIDERS, FAMILIES, EDUCATORS, AND SCHOOL HEALTH PERSONNEL;

12 (III) PROVIDING SUPPORT FOR CONTINUED RESEARCH AND
13 EVALUATION;

14 (IV) PROVIDING SUPPORT FOR FAMILIES INCLUDING INCREASED
15 ACCESS TO RESOURCES;

16 (V) PROMOTING SMALLER CLASS SIZES FOR CHILDREN WITH
17 ATTENTION DEFICIT HYPERACTIVITY DISORDER;

18 (VI) PROMOTING THE PRESENCE OF A MENTAL HEALTH EXPERT
19 WHO IS KNOWLEDGEABLE ABOUT ATTENTION DEFICIT HYPERACTIVITY DISORDER
20 IN EACH SCHOOL SYSTEM; AND

21 (VII) INVESTIGATING THIRD PARTY REIMBURSEMENT ISSUES
22 SURROUNDING THE DIAGNOSIS AND TREATMENT OF ATTENTION DEFICIT
23 HYPERACTIVITY DISORDER;

24 ~~(8)~~ (7) SHALL INVESTIGATE THE RELATIONSHIP BETWEEN
25 ATTENTION DEFICIT HYPERACTIVITY DISORDER AND LEARNING DISABILITIES AND
26 DIFFERENCES; AND

27 ~~(9)~~ (8) MAY TAKE ANY OTHER ACTION NECESSARY AND PROPER TO
28 CARRY OUT THE PURPOSES OF THIS SECTION.

29 ~~(H)~~ (H) ON JULY 1, 2001 ~~AND ANNUALLY ON JULY 1 THEREAFTER, JULY 1,~~
30 ~~2002, AND JUNE 30, 2003, THE TASK FORCE ADVISORY COUNCIL SHALL SUBMIT A~~
31 ~~REPORT OF ITS FINDINGS, ACTIVITIES, AND RECOMMENDATIONS TO THE GOVERNOR~~
32 ~~AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL~~
33 ~~ASSEMBLY.~~

34 SECTION 2. AND BE IT FURTHER ENACTED, That the Office of Children,
35 Youth, and Families shall execute a memorandum of understanding between the
36 Office, the Department of Health and Mental Hygiene, and the Maryland State
37 Department of Education ~~about~~ providing that either the Department of Health and

1 Mental Hygiene or the Maryland State Department of Education shall provide
2 staffing for the Advisory Council and any related issues that require coordination.

3 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the initial appointed~~
4 ~~members of the Task Force shall be appointed on or before July 1, 2000. The terms of~~
5 ~~the members appointed by the Governor serving on July 1, 2000 shall end as follows:~~

6 (1) ~~four in 2001;~~

7 (2) ~~four in 2002;~~

8 (3) ~~four in 2003; and~~

9 (4) ~~five in 2004.~~

10 ~~SECTION 4. 3. AND BE IT FURTHER ENACTED, That this Act shall take~~
11 ~~effect July 1, 2000. It shall remain effective for a period of 3 years and, at the end of~~
12 ~~June 30, 2003, with no further action required by the General Assembly, this Act shall~~
13 ~~be abrogated and of no further force and effect.~~