

SENATE BILL 742

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2000 Regular Session  
(01r2022)

**ENROLLED BILL**

-- Economic and Environmental Affairs/Environmental Matters --

Introduced by **Senator Hollinger (Task Force to Study the Uses of Methylphenidate and Other Drugs on School Children)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER 84

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"

1 Annotated Code of Maryland  
2 (1998 Replacement Volume and 1999 Supplement)

3 Preamble

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

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

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

13 WHEREAS, The appropriate treatment of each case of attention deficit  
14 hyperactivity disorder requires a collaboration among teachers, parents, and medical  
15 personnel; and

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

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

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

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

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

25 39.

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

30 (B) THERE IS AN ADVISORY COUNCIL ON ATTENTION DEFICIT  
31 HYPERACTIVITY DISORDER.

32 (C) (1) THE ADVISORY COUNCIL SHALL BE COMPOSED OF ~~23~~ 24 25 MEMBERS.

33 (2) THE MEMBERS SHALL BE AS FOLLOWS:

1 (I) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY  
2 THE SPEAKER OF THE HOUSE;

3 (II) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY  
4 THE PRESIDENT OF THE SENATE;

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

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

9 (V) SEVEN MEMBERS FROM THE MEDICAL COMMUNITY WHO ARE  
10 EXPERTS ON ATTENTION DEFICIT HYPERACTIVITY DISORDER, APPOINTED BY THE  
11 GOVERNOR;

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

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

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

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

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

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

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

26 (XIII) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE  
27 SECRETARY'S DESIGNEE;

28 (XIV) THE SUPERINTENDENT OF STATE SCHOOLS OR THE STATE  
29 SUPERINTENDENT'S DESIGNEE; ~~AND~~

30 (XV) THE SPECIAL SECRETARY FOR THE OFFICE OF CHILDREN,  
31 YOUTH, AND FAMILIES OR THE SPECIAL SECRETARY'S DESIGNEE; ~~AND~~

32 (XVI) ONE MEMBER WHO IS A COUNTY SUPERINTENDENT OF  
33 SCHOOLS, APPOINTED BY THE GOVERNOR, OR THE COUNTY SUPERINTENDENT'S  
34 DESIGNEE; AND

1 ~~(XVI)~~ (XVII) ONE MEMBER OF THE MARYLAND DISABILITIES LAW  
2 CENTER WHO HAS EXPERTISE IN DISABILITY LAW, APPOINTED BY THE GOVERNOR.

3 (D) THE GOVERNOR SHALL DESIGNATE THE CHAIRMAN OF THE ADVISORY  
4 COUNCIL.

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

7 (F) A MEMBER OF THE ADVISORY COUNCIL:

8 (1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE ADVISORY  
9 COUNCIL; BUT

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

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

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

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

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

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

21 (1) MAY CONSULT, ON A PRO BONO BASIS, WITH EDUCATION AND  
22 HEALTH OFFICIALS AND EXPERTS IN THIS STATE AND IN OTHER STATES AND  
23 COUNTRIES;

24 (2) ~~SHALL CONVENE ONE OR MORE STATEWIDE OR REGIONAL~~  
25 ~~CONFERENCES ON ATTENTION DEFICIT HYPERACTIVITY DISORDER ON A REGULAR~~  
26 ~~BASIS:~~

27 ~~(I) FOR PARENTS, TEACHERS, CHILD CARE PROVIDERS, AND~~  
28 ~~PRIMARY CARE PHYSICIANS; AND~~

29 ~~(II) TO EXAMINE THE LATEST INFORMATION ON:~~

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

31 2. ~~THE USE OF MEDICATIONS EFFECTIVE IN THE~~  
32 ~~TREATMENT OF THE DISORDER; AND~~

33 3. ~~NONPHARMACOLOGICAL INTERVENTIONS IN THE~~  
34 ~~TREATMENT OF ATTENTION DEFICIT HYPERACTIVITY DISORDER;~~

1           ~~(3)~~    (2)     SHALL REVIEW THE RELEVANT LITERATURE AND CURRENT  
2 RESEARCH, INCLUDING PROFESSIONAL SOCIETY PRACTICE GUIDELINES;

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

6           ~~(5)~~    (4)     SHALL ASSIST ALL LOCAL SCHOOL SYSTEMS IN DESIGNING  
7 AND IMPLEMENTING WRITTEN GUIDELINES FOR THE OPTIMAL DIAGNOSIS AND  
8 TREATMENT OF ATTENTION DEFICIT HYPERACTIVITY DISORDER, FOLLOWING "BEST  
9 PRACTICES" WHILE COMPLYING WITH FEDERAL REQUIREMENTS;

10          ~~(6)~~    (5)     SHALL DEVELOP AND DISTRIBUTE EDUCATIONAL PROGRAMS  
11 AND MATERIALS CONCERNING ATTENTION DEFICIT HYPERACTIVITY DISORDER TO  
12 PARENTS, EDUCATORS, CHILD CARE PROVIDERS, AND PRIMARY CARE PHYSICIANS;

13          ~~(7)~~    (6)     SHALL ASSIST THE GOVERNOR AND STATE AGENCIES IN  
14 IMPLEMENTING THE RECOMMENDATIONS OF THE MARCH 1999 REPORT OF THE TASK  
15 FORCE TO STUDY THE USES OF METHYLPHENIDATE AND OTHER DRUGS ON SCHOOL  
16 CHILDREN INCLUDING PERFORMING THE FOLLOWING TASKS:

17                   (I)     FACILITATING COMMUNICATION BETWEEN PHYSICIANS,  
18 EDUCATORS, AND PARENTS;

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

21                   (III)   PROVIDING SUPPORT FOR CONTINUED RESEARCH AND  
22 EVALUATION;

23                   (IV)   PROVIDING SUPPORT FOR FAMILIES INCLUDING INCREASED  
24 ACCESS TO RESOURCES;

25                   (V)     PROMOTING SMALLER CLASS SIZES FOR CHILDREN WITH  
26 ATTENTION DEFICIT HYPERACTIVITY DISORDER;

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

30                   (VII)   INVESTIGATING THIRD PARTY REIMBURSEMENT ISSUES  
31 SURROUNDING THE DIAGNOSIS AND TREATMENT OF ATTENTION DEFICIT  
32 HYPERACTIVITY DISORDER;

33           ~~(8)~~    (7)     SHALL INVESTIGATE THE RELATIONSHIP BETWEEN  
34 ATTENTION DEFICIT HYPERACTIVITY DISORDER AND LEARNING DISABILITIES AND  
35 DIFFERENCES; AND

36           ~~(9)~~    (8)     MAY TAKE ANY OTHER ACTION NECESSARY AND PROPER TO  
37 CARRY OUT THE PURPOSES OF THIS SECTION.

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

6       SECTION 2. AND BE IT FURTHER ENACTED, ~~That the Office of Children,~~  
 7 ~~Youth, and Families shall execute a memorandum of understanding between the~~  
 8 ~~Office, the Department of Health and Mental Hygiene, and the Maryland State~~  
 9 ~~Department of Education shall execute a memorandum of understanding about~~ *That*  
 10 *the Office of Children, Youth, and Families shall execute a memorandum of*  
 11 *understanding between the Office, the Department of Health and Mental Hygiene, and*  
 12 *the Maryland State Department of Education providing that either the Department of*  
 13 *Health and Mental Hygiene or the Maryland State Department of Education shall*  
 14 *provide* staffing for the Advisory Council and any related issues that require  
 15 coordination.

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

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

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

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

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

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