

HOUSE BILL 475

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J1

2004 Regular Session  
(4r1336)

ENROLLED BILL

-- Health and Government Operations/Finance --

Introduced by ~~Delegates Conway, Amann, Barkley, Bohanan, Bozman,~~  
**Cadden, Cane, Donoghue, Eckardt, Edwards, Frank, Kach, Love,**  
**Mitchell, Owings, Rudolph, and Wood** Wood, Boteler, Boutin, Elliott,  
Hurson, McDonough, and Smigiel

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.

\_\_\_\_\_  
Speaker.

CHAPTER 178

1 AN ACT concerning

2 **Individuals with Developmental Disabilities and Mental Retardation -**  
3 **Respite Care**

4 FOR the purpose of requiring State residential ~~facilities for the developmentally~~  
5 ~~disabled to provide a certain service~~ centers operated by the Department of  
6 Health and Mental Hygiene to provide respite care; requiring State residential  
7 ~~facilities for the developmentally disabled~~ centers to reserve a certain number  
8 percentage of beds for a certain service respite care; providing that families  
9 caring for certain individuals with developmental disabilities in their homes  
10 shall have a certain choice of respite care; requiring the Governor to provide a  
11 certain appropriation in the State budget bill; providing that a certain  
12 appropriation shall be in addition to and may not supplant certain other funds;  
13 providing that certain funds may not be transferred for certain purposes;  
14 altering a certain definition; requiring the Department to include a certain

1 indicator in its annual budget submission; requiring the Department to include  
 2 certain contact information on the Developmental Disabilities Administration  
 3 website; requiring the Department to conduct a certain study and report, on or  
 4 before a certain date, on the results of its study in a certain manner; providing  
 5 for the termination of this Act; and generally relating to respite care for  
 6 individuals with developmental disabilities and mental retardation.

7 BY repealing and reenacting, with amendments,  
 8 Article - Health - General  
 9 Section 7-509  
 10 Annotated Code of Maryland  
 11 (2000 Replacement Volume and 2003 Supplement)

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

14 **Article - Health - General**

15 7-509.

16 (a) In this section, "respite care" means care that is made available for an  
 17 individual with ~~mental retardation~~ [in a State residential center] ~~OR~~  
 18 DEVELOPMENTAL DISABILITIES to provide relief for the person with whom the  
 19 individual ordinarily lives.

20 (b) (1) [Under regulations that the Department adopts, each] EACH State  
 21 residential center shall [reserve at least 2 percent, but not more than 4 percent, of its  
 22 total beds for respite care];

23 ~~(1) PROVIDE RESPITE CARE FOR FAMILIES CARING FOR INDIVIDUALS~~  
 24 ~~WITH MENTAL RETARDATION OR DEVELOPMENTAL DISABILITIES IN THEIR HOME;~~  
 25 ~~AND.~~

26 (2) BEGINNING IN FISCAL YEAR 2006;

27 (I) THE HOLLY CENTER, THE POTOMAC CENTER, AND THE  
 28 BRANDENBURG CENTER SHALL EACH RESERVE AT LEAST NOT MORE THAN 4  
 29 PERCENT OF ITS TOTAL BEDS FOR RESPITE CARE; AND

30 (II) THE ROSEWOOD CENTER SHALL RESERVE AT LEAST 2  
 31 PERCENT, BUT NOT MORE THAN 4 PERCENT, OF ITS TOTAL BEDS FOR RESPITE CARE.

32 (c) Respite care for an individual may not exceed 45 days within any 1-year  
 33 period or 28 consecutive days.

34 (D) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, FAMILIES CARING  
 35 IN THEIR HOMES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES IN THEIR  
 36 HOMES, WHO HAVE BEEN APPROVED TO RECEIVE RESPITE CARE BY THE  
 37 DEVELOPMENTAL DISABILITIES ADMINISTRATION, SHALL HAVE A CHOICE OF

1 OBTAINING RESPITE CARE IN A STATE RESIDENTIAL CENTER OR A COMMUNITY  
2 SETTING.

3 ~~(D)~~ (E) (1) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL  
4 A GENERAL FUND APPROPRIATION FOR THE PURPOSE OF PROVIDING RESPITE CARE  
5 IN A STATE RESIDENTIAL CENTER OR A COMMUNITY SETTING FOR FAMILIES CARING  
6 FOR INDIVIDUALS WITH MENTAL RETARDATION AND DEVELOPMENTAL  
7 DISABILITIES IN THEIR HOMES.

8 (2) (I) THE GENERAL FUND APPROPRIATION IN PARAGRAPH (1) OF  
9 THIS SUBSECTION SHALL BE IN ADDITION TO AND MAY NOT SUPPLANT FUNDS  
10 ALREADY BUDGETED FOR RESPITE CARE.

11 (II) NO FUNDS MAY BE TRANSFERRED FROM COMMUNITY  
12 SERVICES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES TO PAY FOR  
13 RESPITE CARE PROVIDED IN A STATE RESIDENTIAL CENTER.

14 (F) BEGINNING IN FISCAL YEAR 2006, THE DEPARTMENT SHALL INCLUDE IN  
15 THE MANAGING FOR RESULTS INDICATORS SUBMITTED WITH ITS ANNUAL BUDGET  
16 REQUEST AN INDICATOR OF THE SATISFACTION FAMILIES EXPERIENCE WITH  
17 RESPITE SERVICES PROVIDED IN A STATE RESIDENTIAL CENTER.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of  
19 Health and Mental Hygiene shall include contact information for each of the four  
20 State residential centers on the Developmental Disabilities Administration website  
21 under the list of providers in each region of the State, in order for families and  
22 individuals to contact the State residential centers to inquire about respite care.

23 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of  
24 Health and Mental Hygiene shall study the demand for respite beds in the State  
25 residential centers and, as part of the study, determine how many beds could  
26 potentially be reserved for respite care. On or before January 1, 2007, the Department  
27 shall report, in accordance with § 2-1246 of the State Government Article, to the  
28 Senate Finance Committee and House Health and Government Operations  
29 Committee on the results of its study.

30 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take  
31 effect October 1, 2004. It shall remain effective for a period of 3 years and, at the end  
32 of September 30, 2007, with no further action required by the General Assembly, this  
33 Act shall be abrogated and of no further force and effect.

