

Department of Legislative Services
 Maryland General Assembly
 2004 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 188 (The President, *et al.*) (By Request – Administration)
 Education, Health, and Environmental Affairs and Health and Government Operations
 Budget and Taxation

State Government - Department of Disabilities

This Administration bill creates the Department of Disabilities, abolishes the Governor’s Office for Individuals with Disabilities (OID), creates the Maryland Commission on Disabilities, and creates an Interagency Disabilities Board within the new department. The bill transfers OID’s employees, property, funds, and all associated administrative responsibilities to the new department.

The bill takes effect July 1, 2004.

Fiscal Summary

State Effect: The FY 2005 OID budget includes \$594,082 for the new Department of Disabilities. Future year estimates reflect inflation.

(in dollars)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	594,100	575,000	597,400	621,200	646,500
Net Effect	(\$594,100)	(\$575,000)	(\$597,400)	(\$621,200)	(\$646,500)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: The Administration has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: The proposed Department of Disabilities would be the principal agency responsible for developing, maintaining, revising, and enforcing statewide disability policies and standards throughout State government. The department must:

- serve as principal advisor to the Governor on the means and methods to: (1) implement and fund support to individuals with disabilities according to the State disabilities plan; (2) modify or consolidate support to individuals with disabilities; and (3) collaborate with federal, regional, and local units of government to enhance the effectiveness of the provision and funding of support to individuals with disabilities;
- adopt regulations to implement the State disabilities plan;
- annually recommend capital budget projects to the Department of Budget and Management (DBM) to promote access to State-owned facilities for individuals with disabilities;
- assist units of State government to identify federal, State, local, and private funds available to the State for programs and services for individuals with disabilities; and
- provide technical assistance to local jurisdictions in planning and implementing collaborative strategies consistent with the State disabilities plan.

The State disabilities plan must include the coordination of support services that:

- assure compliance with the federal American with Disabilities Act (ADA) and other relevant federal and State provisions to protect the civil rights of individuals with disabilities;
- are necessary for an individual with a disability to achieve maximum participation in the mainstream in the most integrated setting possible; and
- address, on a statewide basis, the improvement of: (1) communities' capacity to support individuals with disabilities with personal attendant care and other self-directed long-term care options; (2) the availability of accessible, integrated, and affordable housing; (3) reliable transportation options; (4) employment and

training options; (5) somatic and mental health options; (6) accessible and universally designed technology; (7) support services for children, youth, and families to enable them to achieve successful learning; and (8) family support services.

By July 1 of each year, each unit of State government must develop a unit plan to implement the State disabilities plan that includes an implementation schedule and measurable strategic performance objectives. The Secretary of Disabilities may request amendments to a unit plan if it is not in agreement with the State disabilities plan. Each unit must provide an evaluation of the unit's performance in implementing its plan to the department by July 1 of each year.

DBM must explore the feasibility of implementing the interagency funding approach developed by the Interagency Disabilities Board.

The bill creates an Interagency Disabilities Board to develop the State disabilities plan. The chairman must direct the work of the board. The board must:

- examine the State's system of services and support to individuals with disabilities to ensure equal access to those services and resources;
- facilitate the development of performance objectives to create a comprehensive and integrated service delivery system for individuals with disabilities;
- develop an interagency funding approach to maximize efficiencies and streamline access to services and support for individuals with disabilities;
- formulate policies on legislative issues and communicate the policies to the General Assembly; and
- develop the State disabilities plan.

The Secretary of Disabilities must review and approve or amend the State disabilities plan. The Secretary must adopt regulations to implement the plan and submit, by October 1 of each year, an annual analysis of the State's progress in implementing the plan and related performance objectives to the Governor and General Assembly.

The Maryland Commission on Disabilities members must advise the department in carrying out its duties, meet twice a year, and serve on subcommittees established by the Secretary of Disabilities. A commission subcommittee must be considered a public body.

Department employees must provide staff support to the board and commission. The department also must oversee and administer constituent and ombudsmen programs and the Assistive Technology Guaranteed Loan Program. It is the General Assembly's intent that the Department of Disabilities must be funded with existing resources or federal or special funds, unless funding is provided for the department in the State budget.

Current Law: ADA defines disability as a physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such impairment, or being regarded as having such an impairment.

Office of Individuals with Disabilities

OID must: (1) identify and evaluate State programs and services for individuals with disabilities; (2) collect information to identify programs and services individuals with disabilities need; (3) identify barriers to delivering adequate services and recommend procedures to remove barriers; (4) develop an information and referral service for programs and services; (5) foster coordination of and support for public and private agencies that provide programs and services to individuals with disabilities; (6) promote the designation of local or regional offices to coordinate services for individuals with disabilities; (7) monitor and encourage State compliance with laws and policies affecting individuals with disabilities and recommend changes on behalf of those persons; (8) submit an annual report on the status of programs and services, recommendations for more effective delivery of services, and provide updated information on implementation of ADA; (9) support the Maryland Advisory Council for Individuals with Disabilities; (10) annually recommend capital budget projects to DBM that promote access to State-owned facilities for individuals with disabilities; and (11) establish a Disability Access Card Program.

The Disability Access Card Program entitles card holders to any assistance granted by and through voluntary programs, State laws, and ordinances or resolutions of political subdivisions. Disabled State residents are eligible for the program. The program defines a disabled individual as a person who is certified as permanently and totally disabled by a unit of the State or the U.S. that classifies disabled individuals.

The Maryland Advisory Council for Individuals with Disabilities must: (1) advise the office; (2) review statewide activities for individuals with disabilities; (3) foster coordination of and support for programs for individuals with disabilities; (4) study ways to maximize the use of facilities and services available to individuals with disabilities; (5) hold meetings; and (6) assist any local governing body of a county to establish a local advisory council for individuals with disabilities.

Assistive Technology Guaranteed Loan Fund

The Assistive Technology Guaranteed Loan Fund administered by OID provides assistance for purchasing assistive technology equipment to enable individuals with disabilities to become more independent or more productive community members with an improved quality of life.

Assistive technology includes wheelchairs, motorized scooters, Braille equipment, voice simulation systems, scanners, assistive listening devices, telecommunications devices for the deaf, augmentative communication systems, environmental control systems, computers and adaptive peripherals, building modifications for accessibility, motor vehicles, and vehicle modifications.

Background: In 2001, the Community Access Steering Committee (CASC), staffed by representatives from various agencies, submitted a report to the Governor, noting that the State's disability programs are fragmented and difficult to navigate due to different funding streams and federal requirements. The report also noted that the shortage of resources was a barrier to efficiently providing services.

CASC recommended establishing an interagency workgroup to coordinate programs for people with disabilities. The workgroup would utilize existing State positions and resources to improve disability services. The report sets forth a detailed plan with recommended practices and strategies for providing more coordinated and efficient disability services. However, the interagency workgroup has not been implemented.

The Commission on the Structure and Efficiency of State Government issued a report in December 2003 that cited a lack of centralized leadership at the State level to develop, coordinate, and implement policies and services for the disabled and special needs communities. The commission recommended elevating OID to cabinet-level status and merging the Office of the Deaf and Hard of Hearing into the new department.

Most programs for individuals with disabilities are developed in isolation and there is very little coordination among them. Each program has different rules, funding mechanisms, goals, performance measures, and administrative demands. Approximately \$2.6 billion of budgeted expenditures support a variety of services implemented by almost 60 different State agencies.

State Revenues: DBM estimates that it would be able to attain an additional \$1,250,000 annually beginning in fiscal 2005 from federal and foundation funds for disability services in Maryland. While DBM may be able to secure new funds to support the

Department on Disabilities, the Department of Legislative Services (DLS) believes that those funds cannot be counted on until they are actually secured.

State Expenditures: The budget for fiscal 2005 includes \$594,082 for OID to create the Department of Disabilities. These funds, however, are not contingent upon enactment of this bill. The budgeted amount reflects salaries and fringe benefits for five new positions and administrative costs.

In addition to the five new positions included in the fiscal 2005 budget, a deputy director will be appointed to the new department from an existing budgeted position within the Department of Health and Mental Hygiene.

Future year expenditures reflect: (1) full salaries with 4.6% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

Additional Information

Prior Introductions: None.

Cross File: HB 299 (The Speaker and the Minority Leader, *et al.*) (By Request – Administration) – Health and Government Operations.

Information Source(s): Department of Human Resources, Governor's Office (Children, Youth, and Families, Individuals with Disabilities), Department of Health and Mental Hygiene, Department of Aging, Department of Budget and Management, Department of Legislative Services

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