
By: **Delegates Hubbard, Conroy, Costa, Kullen, and Taylor**

Introduced and read first time: January 26, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Individuals with Developmental Disabilities - Additional Rights and Service**
3 **Options**

4 FOR the purpose of adding the right to be informed of certain community living
5 service options to the list of basic rights to which an individual who receives
6 services provided by the Developmental Disabilities Administration is entitled;
7 requiring the staff of an Administration licensee to provide certain service
8 options at a certain time to an individual with a developmental disability;
9 making technical changes; and generally relating to rights and services provided
10 to individuals with developmental disabilities.

11 BY repealing and reenacting, without amendments,
12 Article - Health - General
13 Section 7-1001
14 Annotated Code of Maryland
15 (2000 Replacement Volume and 2004 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Health - General
18 Section 7-1002(b) and 7-1006(a)
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2004 Supplement)

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

23 **Article - Health - General**

24 7-1001.

25 In this subtitle, "licensee" means:

26 (1) A person who is licensed by the Administration to provide services;

27 and

1 (2) A State residential center.

2 7-1002.

3 (b) It is the policy of this State that, in addition to any other rights, each
4 individual who receives any services provided by the Administration or by a licensee
5 has the following basic rights:

6 (1) The right to be treated with courtesy, respect, and full recognition of
7 human dignity and individuality;

8 (2) The right to receive treatment, services, and habilitation in the least
9 restrictive environment that is available, adequate, appropriate, and in compliance
10 with relevant laws and regulations;

11 (3) The right to be free from mental and physical abuse;

12 (4) The right to be free from chemical restraints, except for minimal
13 restraints that a physician authorizes, in writing, for a clearly indicated medical need
14 and makes a permanent part of the individual's record;

15 (5) The right to be free from physical restraints except for minimal
16 restraints that are authorized in writing and made a permanent part of the record by
17 a physician or qualified developmental disability professional and which are clearly
18 indicated for the protection of the individual with developmental disability or others;

19 (6) The right to privacy;

20 (7) The right to worship as the individual chooses; [and]

21 (8) The right to an accounting of any funds of the individual; AND

22 (9) THE RIGHT TO BE INFORMED OF ALL COMMUNITY LIVING SERVICE
23 OPTIONS AVAILABLE THROUGH THE ADMINISTRATION.

24 7-1006.

25 (a) (1) The professional and supportive staff of a licensee who provides
26 residential or day habilitation services shall make a written plan of habilitation for
27 each individual with developmental disability who has been accepted for service by
28 the licensee. The plan shall meet applicable federal standards.

29 (2) At least once a year, the staff shall reevaluate the effectiveness and
30 adequacy of each plan in consultation with the individual with developmental
31 disability and any person authorized to act on behalf of the individual, and shall
32 revise the plan as needed.

33 (3) DURING THE REEVALUATION OF THE PLAN, THE STAFF SHALL
34 PROVIDE THE INDIVIDUAL WITH THE DEVELOPMENTAL DISABILITY, IN A MANNER
35 APPROVED BY THE ADMINISTRATION, WITH A RANGE OF SERVICE OPTIONS,

1 INCLUDING COMMUNITY-BASED SERVICES, WAIVER SERVICES, AND ANY OTHER
2 APPROPRIATE SERVICES.

3 (4) At least once a year, the Administration shall review the licensee's
4 execution of the plan of habilitation, and compliance with the rules, regulations, and
5 standards which the Secretary adopts.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2005.