
By: **Senators Kelley and Teitelbaum**

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Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: March 21, 2005

CHAPTER_____

1 AN ACT concerning

2 **Developmental Disability - Written Plan of Habilitation - State Residential**
3 **Centers**

4 FOR the purpose of requiring certain individuals to develop a written plan of
5 habilitation for individuals in State residential centers; requiring the
6 Developmental Disabilities Administration to develop a certain protocol and
7 format for the written plan of habilitation to be used by each State residential
8 center; requiring treating professionals and resource coordinators to discuss
9 service needs with individuals in a State residential center on an annual basis
10 and on request of the individual; requiring the use of communication devices
11 and certain techniques to facilitate the involvement of certain individuals in the
12 development of the written plan of habilitation; requiring the written plan of
13 habilitation to include certain recommendations, descriptions of services and
14 supports, barriers to community services, and an annual update on the status
15 and progress toward addressing and resolving barriers; requiring the treating
16 professional and resource coordinator to identify and report certain rights
17 violations; requiring each State residential center to provide certain information
18 to the Developmental Disabilities Administration and the Department of
19 Disabilities by a certain date; requiring the Developmental Disabilities
20 Administration and the Department of Disabilities to report to the General
21 Assembly by a certain date; defining a certain term; and generally relating to a
22 written plan of habilitation for individuals in State residential centers.

23 BY repealing and reenacting, with amendments,

24 Article - Health - General

25 Section 7-1006

26 Annotated Code of Maryland

1 (2000 Replacement Volume and 2004 Supplement)

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

4 **Article - Health - General**

5 7-1006.

6 (A) IN THIS SECTION, "RESOURCE COORDINATOR" MEANS A PROFESSIONAL
7 STAFF PERSON RESPONSIBLE FOR ASSISTING IN THE DEVELOPMENT AND REVIEW
8 OF AN INDIVIDUAL PLAN OF HABILITATION DESIGNED TO MEET THE INDIVIDUAL'S
9 NEEDS, PREFERENCES, DESIRES, GOALS, AND OUTCOMES IN THE LEAST
10 RESTRICTIVE ENVIRONMENT.

11 [(a)] (B) The professional and supportive staff of a licensee who provides
12 residential or day habilitation services shall make a written plan of habilitation for
13 each individual with developmental disability who has been accepted for service by
14 the licensee. The plan shall meet applicable federal standards. At least once a year,
15 the staff shall reevaluate the effectiveness and adequacy of each plan in consultation
16 with the individual with developmental disability and any person authorized to act on
17 behalf of the individual, and shall revise the plan as needed. At least once a year, the
18 Administration shall review the licensee's execution of the plan of habilitation, and
19 compliance with the rules, regulations, and standards which the Secretary adopts.

20 (C) (1) (I) THE WRITTEN PLAN OF HABILITATION FOR INDIVIDUALS IN
21 STATE RESIDENTIAL CENTERS UNDER THIS SECTION IS SUBJECT TO THE
22 REQUIREMENTS DESCRIBED IN THIS SUBSECTION.

23 (II) THE WRITTEN PLAN OF HABILITATION SHALL BE DEVELOPED
24 BY THE INDIVIDUAL, A TREATING PROFESSIONAL, AND A RESOURCE COORDINATOR
25 WHO IS NOT EMPLOYED BY OR UNDER CONTRACT WITH THE STATE RESIDENTIAL
26 CENTER.

27 (III) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION SHALL
28 DEVELOP THE PLANNING PROTOCOL AND FORMAT FOR THE WRITTEN PLAN OF
29 HABILITATION TO BE USED BY EACH STATE RESIDENTIAL CENTER.

30 (IV) ON AN ANNUAL BASIS AND ANY OTHER TIME REQUESTED BY
31 THE INDIVIDUAL, THE TREATING PROFESSIONAL AND RESOURCE COORDINATOR
32 SHALL DISCUSS WITH THE INDIVIDUAL THE SERVICE NEEDS OF THE INDIVIDUAL,
33 INCLUDING IDENTIFYING COMMUNITY-BASED MEDICAID WAIVER SERVICES
34 DEFINED IN § 15-132 OF THIS ARTICLE AND ANY OTHER SERVICES THAT MAY BE
35 APPROPRIATE.

36 (V) THE TREATING PROFESSIONAL AND RESOURCE COORDINATOR
37 SHALL USE COMMUNICATION DEVICES AND TECHNIQUES, INCLUDING THE USE OF
38 SIGN LANGUAGE, AS APPROPRIATE, TO FACILITATE THE INVOLVEMENT OF THE
39 INDIVIDUAL IN THE DEVELOPMENT OF THE WRITTEN PLAN OF HABILITATION.

1 (VI) SUBSEQUENT TO THE INITIAL WRITTEN PLAN OF
2 HABILITATION FOR INDIVIDUALS IN STATE RESIDENTIAL CENTERS, THE WRITTEN
3 PLAN OF HABILITATION SHALL INCLUDE AN ANNUAL UPDATE ON THE STATUS AND
4 PROGRESS TOWARD ADDRESSING AND RESOLVING THE BARRIERS IDENTIFIED IN
5 SUBPARAGRAPH (VII)4 OF THIS SUBSECTION.

6 (VII) THE WRITTEN PLAN OF HABILITATION FOR INDIVIDUALS IN
7 STATE RESIDENTIAL CENTERS SHALL INCLUDE:

8 1. THE TREATING PROFESSIONAL'S RECOMMENDATION ON
9 THE MOST INTEGRATED SETTING APPROPRIATE TO MEET THE INDIVIDUAL'S NEEDS;

10 2. THE RESOURCE COORDINATOR'S RECOMMENDATION ON
11 THE MOST INTEGRATED SETTING APPROPRIATE TO MEET THE INDIVIDUAL'S NEEDS;

12 3. A DESCRIPTION OF THE SERVICES AND SUPPORTS,
13 INCLUDING RESIDENTIAL, DAY, EMPLOYMENT, AND TECHNOLOGY, THAT ARE
14 REQUIRED FOR THE INDIVIDUAL TO RECEIVE SERVICES IN THE MOST INTEGRATED
15 SETTING APPROPRIATE TO MEET THE INDIVIDUAL'S NEEDS; AND

16 4. A LISTING OF BARRIERS THAT PREVENT AN INDIVIDUAL
17 FROM RECEIVING THE SUPPORTS AND SERVICES REQUIRED FOR THE INDIVIDUAL TO
18 LIVE IN THE MOST INTEGRATED SETTING APPROPRIATE TO MEET THE INDIVIDUAL'S
19 NEEDS, INCLUDING COMMUNITY CAPACITY OR SYSTEMS, IF COMMUNITY SERVICES
20 ARE DETERMINED TO BE THE MOST INTEGRATED SETTING APPROPRIATE TO MEET
21 THE INDIVIDUAL'S NEEDS.

22 (2) THE TREATING PROFESSIONAL AND RESOURCE COORDINATOR
23 SHALL IDENTIFY AND REPORT ANY RIGHTS VIOLATIONS AS PROVIDED IN §§ 7-1002(B)
24 AND 7-1003(M) OF THIS SUBTITLE.

25 (3) ON OR BEFORE DECEMBER 1 OF EACH YEAR, EACH STATE
26 RESIDENTIAL CENTER SHALL PROVIDE THE INFORMATION REQUIRED UNDER
27 PARAGRAPH (1)(VI) AND (VII) OF THIS SUBSECTION TO THE DEVELOPMENTAL
28 DISABILITIES ADMINISTRATION AND TO THE DEPARTMENT OF DISABILITIES.

29 (4) (I) ON OR BEFORE JULY 1 OF EACH YEAR, THE DEVELOPMENTAL
30 DISABILITIES ADMINISTRATION AND THE DEPARTMENT OF DISABILITIES SHALL
31 REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE
32 GOVERNMENT ARTICLE, SUMMARIZING THE STATEWIDE AND REGIONAL
33 INFORMATION PROVIDED BY THE STATE RESIDENTIAL CENTERS IN PARAGRAPH (3)
34 OF THIS SUBSECTION.

35 (II) THE DATA SHALL BE INCORPORATED IN THE STATE'S
36 OLMSTEAD PLAN, WITH RECOMMENDATIONS TO ADDRESS THE BARRIERS THAT
37 PREVENT INDIVIDUALS FROM LIVING IN THE MOST INTEGRATED SETTING
38 APPROPRIATE TO MEET THE INDIVIDUAL'S NEEDS.

39 [(b)] (D) Each individual plan of habilitation shall be reviewed and approved,
40 disapproved, or modified by:

1 (1) The executive officer or administrative head of the licensee or a
2 qualified developmental disability professional, as defined in § 7-1002(a) of this
3 subtitle, whom the executive officer or administrative head designates; and

4 (2) One other professional individual who is responsible for carrying out
5 a major program but does not participate in the individual plan of habilitation.

6 [(c)] (E) Approval of a plan of habilitation shall be based on the current needs
7 of the individual with developmental disability.

8 [(d)] (F) The Secretary shall:

9 (1) Adopt rules and regulations to carry out the intent of this section;

10 (2) Provide appropriate support and technical assistance to the licensee
11 in developing a plan of habilitation required by this section; and

12 (3) With respect to State residential centers, provide the professional
13 and supportive staff and equipment that are necessary to carry out the plans of
14 habilitation required by this section.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect July 1, 2005.