

HOUSE BILL 266

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9lr1723
CF SB 306

By: **Delegates Reznik, Ali, Barkley, Dumais, Feldman, and Rice**

Introduced and read first time: January 29, 2009

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Developmental Disabilities Administration – Adult Autism Care Training**
3 **Program**

4 FOR the purpose of requiring the Developmental Disabilities Administration to select
5 a certain service provider to develop and implement an Adult Autism Care
6 Training Program; providing for the purpose of the Program; providing certain
7 eligibility criteria for certain service providers; requiring an eligible service
8 provider to submit a certain proposal to be considered for selection by the
9 Administration; requiring the payment of certain rate enhancements to certain
10 service providers under certain circumstances; providing for the termination of
11 this Act; and generally relating to the care of adults with autism spectrum
12 disorders.

13 BY adding to

14 Article – Health – General
15 Section 7–205.1
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2008 Supplement)

18 Preamble

19 WHEREAS, Autism is a complex developmental disability that typically
20 appears during the first 3 years of life and affects a person’s ability to communicate
21 and interact with others; and

22 WHEREAS, There is no known single cause for autism, but increased
23 awareness and funding can help families today; and

24 WHEREAS, Maryland faces growing numbers of adults with autism who need
25 well-trained, consistent, and professional staff to provide quality support services; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Low reimbursement rates for residential and day services inhibit
2 existing developmental disability providers from being able to offer specialized
3 training to direct support workers so that the workers are prepared to meet the highly
4 varied needs of adults with autism; and

5 WHEREAS, The behavioral needs of individuals diagnosed with autism require
6 an extensive and expensive array of supports so that these individuals can remain safe
7 and become integrated into their communities; and

8 WHEREAS, The Developmental Disabilities Administration funding rates do
9 not account for any allocation in funding for any initial staff training, fail to provide
10 funding for annual training requirements for staff, and do not reimburse for training
11 resulting from turnover that is a consequence of the inadequate funding rates; and

12 WHEREAS, Maryland shall fund a training, retention, and professional
13 development program for direct support professionals who serve adults with autism;
14 and

15 WHEREAS, The program will address both the need for high-quality training
16 programs for direct support professionals serving adults with autism and the need to
17 retain these workers at a higher rate in response to the growing numbers of adults
18 with autism who need support services; and

19 WHEREAS, The program would become the template for training and retaining
20 direct support professionals across the Developmental Disabilities Administration
21 service system who support adults with autism, preparing the workforce to meet the
22 increased demand for autism services; now, therefore,

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

25 **Article - Health - General**

26 **7-205.1.**

27 **(A) (1) THE ADMINISTRATION SHALL SELECT A SERVICE PROVIDER**
28 **TO DEVELOP AND IMPLEMENT AN ADULT AUTISM CARE TRAINING PROGRAM.**

29 **(2) THE PURPOSE OF THE ADULT AUTISM CARE TRAINING**
30 **PROGRAM IS TO TRAIN DIRECT CARE STAFF WHO SERVE ADULTS WITH AUTISM**
31 **SPECTRUM DISORDERS IN ORDER TO INCREASE THE:**

32 **(I) QUALITY OF CARE FOR ADULTS WITH AUTISM**
33 **SPECTRUM DISORDERS; AND**

1 **(II) RETENTION OF DIRECT CARE STAFF WHO SERVE**
2 **ADULTS WITH AUTISM SPECTRUM DISORDERS.**

3 **(B) A SERVICE PROVIDER IS ELIGIBLE FOR SELECTION IF THE SERVICE**
4 **PROVIDER:**

5 **(1) CURRENTLY RECEIVES FUNDS FROM THE ADMINISTRATION;**

6 **(2) IMPLEMENTS TRAINING FOR ITS DIRECT CARE STAFF THAT**
7 **MEETS OR EXCEEDS THE TRAINING REQUIREMENTS OF THE ADMINISTRATION;**

8 **(3) PROVIDES SERVICES TO A CLIENT POPULATION OF WHICH AT**
9 **LEAST 75% OF INDIVIDUALS HAVE AN AUTISM SPECTRUM DISORDER;**

10 **(4) PROVIDES SERVICES TO AT LEAST 100 INDIVIDUALS IN A**
11 **RESIDENTIAL PROGRAM AND 100 INDIVIDUALS IN A SUPPORTED EMPLOYMENT**
12 **OR DAY HABILITATION PROGRAM; AND**

13 **(5) HAS A COMPREHENSIVE PERSONNEL TRACKING SYSTEM THAT**
14 **IS CAPABLE OF RECORDING DATA ON OUTCOMES, INCLUDING TRAINING RATES,**
15 **RETENTION RATES, VACANCY RATES, EMPLOYEE TENURE, AND INDIVIDUAL**
16 **GOALS.**

17 **(C) TO BE CONSIDERED FOR SELECTION, A SERVICE PROVIDER SHALL**
18 **SUBMIT TO THE ADMINISTRATION A PROPOSAL FOR THE ADULT AUTISM CARE**
19 **TRAINING PROGRAM THAT INCLUDES:**

20 **(1) A PROFESSIONAL DEVELOPMENT PLAN WITH INCENTIVES FOR**
21 **COMPLETION OF TRAINING;**

22 **(2) AT LEAST 40 HOURS OF MANDATORY CLASSROOM TRAINING**
23 **FOR THE DIRECT CARE STAFF; AND**

24 **(3) A PROPOSED CURRICULUM THAT WOULD PROVIDE:**

25 **(I) INSTRUCTION ON THE LATEST RESEARCH ON AUTISM**
26 **SPECTRUM DISORDERS;**

27 **(II) INSTRUCTION ON THE NEEDS OF ADULTS WITH AUTISM**
28 **SPECTRUM DISORDERS; AND**

29 **(III) PRACTICE-BASED ASSIGNMENTS THAT ASSIST DIRECT**
30 **CARE STAFF IN DEVELOPING A PERSON-CENTERED APPROACH TO PROVIDING**
31 **CARE.**

1 **(D) (1) THE SERVICE PROVIDER THAT IS SELECTED BY THE**
2 **ADMINISTRATION SHALL RECEIVE:**

3 **(I) A 2% RATE ENHANCEMENT TO ALL PROGRAMS FUNDED**
4 **BY THE ADMINISTRATION ON SELECTION;**

5 **(II) AN ADDITIONAL 5% RATE ENHANCEMENT TO ALL**
6 **PROGRAMS FUNDED BY THE ADMINISTRATION WHEN AT LEAST 25% OF DIRECT**
7 **CARE STAFF HAVE COMPLETED THE ADULT AUTISM CARE TRAINING**
8 **PROGRAM; AND**

9 **(III) AN ADDITIONAL 10% RATE ENHANCEMENT TO ALL**
10 **PROGRAMS FUNDED BY THE ADMINISTRATION WHEN AT LEAST 50% OF DIRECT**
11 **CARE STAFF HAVE COMPLETED THE ADULT AUTISM CARE TRAINING**
12 **PROGRAM.**

13 **(2) THE SERVICE PROVIDER SHALL CONTINUE TO RECEIVE THE**
14 **RATE ENHANCEMENTS IF, AFTER 90 DAYS OF RECEIVING THE 10% RATE**
15 **ENHANCEMENT, THE:**

16 **(I) SERVICE PROVIDER CONTINUES TO MAINTAIN THE**
17 **ADULT AUTISM CARE TRAINING PROGRAM;**

18 **(II) RETENTION RATE OF THE SERVICE PROVIDER'S DIRECT**
19 **CARE STAFF INCREASES; AND**

20 **(III) QUALITY OF THE CARE PROVIDED TO ADULTS WITH**
21 **AUTISM SPECTRUM DISORDERS BY THE DIRECT CARE STAFF INCREASES AS**
22 **MEASURED BY THE BOARD OF DIRECTORS OF THE SERVICE PROVIDER.**

23 **(3) IF ANY ITEM IN PARAGRAPH (2) OF THIS SUBSECTION IS NOT**
24 **MET, THE RATE ENHANCEMENTS SHALL CEASE.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2009. It shall remain effective for a period of 3 years and, at the end of
27 September 30, 2012, with no further action required by the General Assembly, this Act
28 shall be abrogated and of no further force and effect.