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§7-205.

(a) (1) There is a continuing, nonlapsing Waiting List Equity Fund in the Department of Health and Mental Hygiene.

(2) The purpose of the Waiting List Equity Fund is to ensure that:

(i) When individuals leave State residential centers, the net average cost of serving them in the State residential center, as defined in subsection (d)(2) of this section, shall follow them to community-based services; and

(ii) Any funds remaining after the individuals leaving State residential centers are served, are used to provide community-based services to individuals eligible for, but not receiving, the community-based services listed in subsection (c) of this section.

(b) Subject to the appropriation process in the annual operating budget, the Department shall use the Waiting List Equity Fund for providing community-based services to individuals eligible for, but not receiving, services from the Developmental Disabilities Administration.

(c) For individuals eligible for, but not receiving, services from the Developmental Disabilities Administration in the Department, the Waiting List Equity Fund shall be used to provide:

(1) Individualized supported living arrangements services;

(2) Respite care;

(3) Individual and family support services;

(4) Supported employment; and

(5) Individualized community integration day services.

(d) (1) The Waiting List Equity Fund shall consist of:

(i) Subject to the appropriation process in the annual operating budget, funds which are equal to the cost of providing services to an individual in a State residential center for each fiscal year, or part of a fiscal year, that the individual is no longer served in a State residential center and is provided community-based services as defined in paragraph (2) of this subsection;

(ii) The net proceeds from contributions under the income tax checkoff system established under § 2-113 of the Tax – General Article; and

(iii) Any other money from any other source accepted for the benefit of the Fund.

(2) In determining funding for the Waiting List Equity Fund, the cost of providing services to an individual in a State residential center shall be calculated by:

(i) Dividing the State residential center's appropriation by the daily average census reported in the State residential center's annual operating budget for the last full fiscal year the individual was served in the State residential center prorated over the number of months the individual is served in the community; and

(ii) Subtracting the following:

1. The average annual itemized expenses associated with institutional services and administrative overhead costs that are demonstrated to be directly attributable to serving individuals remaining in the State residential center;

2. The cost for new admissions certified in accordance with the provisions of §§ 7-502 and 7-503 of this title;

3. The cost for respite care in accordance with § 7-509 of this title;

4. The cost for court-ordered commitments; and

5. Reimbursable federal revenues under TEFRA attributable to direct client costs.

(e) (1) (i) The Department shall adopt regulations for the management and use of the money in the Fund.

(ii) The regulations shall authorize the use of money in the Fund to provide services to individuals:

1. Who are in crisis and need emergency services; and

2. Who are not in crisis and do not need emergency services.

(2) The Waiting List Equity Fund may not be used to supplant funds appropriated for:

(i) Emergency community placements; or

(ii) Transitioning students.

(f) (1) On or before January 1 of each year the Secretary shall prepare a report to be submitted to the General Assembly and the Department of Legislative Services on the Waiting List Equity Fund.

(2) The report shall include:

(i) An accounting of all receipts and expenditures to and from the Fund;

(ii) The number of individuals who left and entered State residential centers during the previous year;

(iii) The number of additional persons who were on the waiting list for developmental disabilities services during the previous year; and

(iv) An accounting of each of the factors used in determining the cost of providing services to an individual in a State residential center in accordance with the provisions of subsection (d)(2) of this section.

(g) Any unspent portions in the Waiting List Equity Fund and any interest earned on money in the Waiting List Equity Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Waiting List Equity Fund to be used for the purposes specified in this section.

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