

SENATE BILL 413

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6lr1794
CF HB 1499

By: **Senators Guzzone, Middleton, Raskin, Currie, Feldman, Ferguson, Kagan, Kelley, King, Klausmeier, Madaleno, Manno, Mathias, McFadden, Nathan-Pulliam, Peters, Pinsky, Reilly, ~~and Rosapepe~~ Rosapepe, and Benson**

Introduced and read first time: January 29, 2016

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2016

CHAPTER _____

1 AN ACT concerning

2 **Developmental Disabilities Administration – Crisis Resolution and Prevention**
3 **Resolution Services – Funding and Reporting**

4 FOR the purpose of requiring a certain report on the Waiting List Equity Fund to include
5 certain information regarding individuals in the crisis resolution category of the
6 waiting list for developmental disabilities services; establishing mandated
7 appropriations for developmental disabilities community services; requiring the
8 mandated appropriations to be used to provide services to individuals in the crisis
9 resolution category on the waiting list for developmental disabilities services;
10 authorizing unspent funds to be used to provide services to individuals in the crisis
11 prevention category on the waiting list for developmental disabilities services;
12 declaring the intent of the General Assembly regarding certain individuals who are
13 ~~removed from a certain waiting list under certain circumstances~~ receiving certain
14 services provided with certain funds; making stylistic changes; and generally
15 relating to reports about and funding for developmental disabilities services.

16 BY repealing and reenacting, with amendments,
17 Article – Health – General
18 Section 7–101 and 7–205(f)
19 Annotated Code of Maryland
20 (2015 Replacement Volume)

21 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Health – General
 2 Section 7–205.1
 3 Annotated Code of Maryland
 4 (2015 Replacement Volume)

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

7 **Article – Health – General**

8 7–101.

9 (a) In this title the following words have the meanings indicated.

10 (b) “Administration” means the Developmental Disabilities Administration.

11 (c) (1) “Admission” means the process by which an individual with an
 12 intellectual disability is accepted as a resident in a State residential center.

13 (2) “Admission” includes the physical act of the individual entering the
 14 facility.

15 (d) (1) “Alternative living unit” means a residence that:

16 (i) Provides residential services for individuals who, because of
 17 developmental disability, require specialized living arrangements;

18 (ii) Admits not more than 3 individuals; and

19 (iii) Provides 10 or more hours of supervision per unit, per week.

20 (2) “Alternative living unit” does not include a residence that is owned or
 21 rented by:

22 (i) 1 or more of its residents; or

23 (ii) A person who:

24 1. Is an agent for any of the residents; but

25 2. Is not a provider of residential supervision.

26 (E) **“CRISIS PREVENTION CATEGORY” MEANS THE CATEGORY FOR THE**
 27 **WAITING LIST FOR WHICH AN INDIVIDUAL QUALIFIES IF THE INDIVIDUAL:**

28 (1) **IS DETERMINED BY THE ADMINISTRATION TO HAVE AN URGENT**
 29 **NEED FOR SERVICES; AND**

1 **(2) IS AT A SUBSTANTIAL RISK FOR MEETING ONE OR MORE OF THE**
2 **CRITERIA FOR THE CRISIS RESOLUTION CATEGORY WITHIN 1 YEAR OR HAVE A**
3 **CAREGIVER WHO IS 65 YEARS OLD OR OLDER.**

4 **(F) “CRISIS RESOLUTION CATEGORY” MEANS THE CATEGORY FOR THE**
5 **WAITING LIST FOR WHICH AN INDIVIDUAL QUALIFIES IF THE INDIVIDUAL:**

6 **(1) (I) IS HOMELESS; OR**

7 **(II) IS LIVING IN TEMPORARY HOUSING AT WHICH THE**
8 **INDIVIDUAL’S STAY IS TIME-LIMITED AND NO ADMINISTRATION-FUNDED**
9 **ALTERNATIVE IS AVAILABLE;**

10 **(2) IS AT SERIOUS RISK OF PHYSICAL HARM IN THE INDIVIDUAL’S**
11 **CURRENT ENVIRONMENT;**

12 **(3) IS AT SERIOUS RISK OF CAUSING PHYSICAL HARM TO OTHERS IN**
13 **THE INDIVIDUAL’S CURRENT ENVIRONMENT; OR**

14 **(4) IS LIVING WITH A CAREGIVER WHOSE INABILITY TO PROVIDE THE**
15 **INDIVIDUAL WITH ADEQUATE CARE, DUE TO THE IMPAIRED HEALTH OF THE**
16 **CAREGIVER, MAY PLACE THE APPLICANT AT RISK OF SERIOUS PHYSICAL HARM.**

17 **[(e)] (G) “Deputy Secretary” means the Deputy Secretary for Developmental**
18 **Disabilities.**

19 **[(f)] (H) “Developmental disability” means a severe chronic disability of an**
20 **individual that:**

21 **(1) Is attributable to a physical or mental impairment, other than the sole**
22 **diagnosis of mental illness, or to a combination of mental and physical impairments;**

23 **(2) Is manifested before the individual attains the age of 22;**

24 **(3) Is likely to continue indefinitely;**

25 **(4) Results in an inability to live independently without external support**
26 **or continuing and regular assistance; and**

27 **(5) Reflects the need for a combination and sequence of special,**
28 **interdisciplinary, or generic care, treatment, or other services that are individually planned**
29 **and coordinated for the individual.**

30 **[(g)] (I) “External support” means:**

1 (1) Periodic monitoring of the circumstances of an individual with respect
2 to:

3 (i) Personal management;

4 (ii) Household management; and

5 (iii) The use of community resources; and

6 (2) Rendering appropriate advice or assistance that may be needed.

7 **[(h)] (J)** “Group home” means a residence that:

8 (1) Provides residential services for individuals who, because of
9 developmental disability, require specialized living arrangements;

10 (2) Admits at least 4 but not more than 8 individuals; and

11 (3) Provides 10 or more hours of supervision per home, per week.

12 **[(i)] (K)** “Habilitation” means a process by which a provider of services enables
13 an individual to acquire and maintain life skills to cope more effectively with the demands
14 of the individual’s own person and environment and to raise the level of the individual’s
15 mental, physical, social, and vocational functioning.

16 **[(j)] (L)** (1) “Individual support services” means an array of services that are
17 designed to increase or maintain an individual’s ability to live alone or in a family setting.

18 (2) “Individual support services” include:

19 (i) In-home assistance with meals and personal care;

20 (ii) Counseling;

21 (iii) Physical, occupational, or other therapies;

22 (iv) Architectural modification; and

23 (v) Any other services that the Administration considers
24 appropriate to meet the individual’s needs.

25 (3) “Individual support services” does not include full day or residential
26 services.

1 [(k)] (M) "Intellectual disability" means a developmental disability that is
2 evidenced by significantly subaverage intellectual functioning and impairment in the
3 adaptive behavior of an individual.

4 [(l)] (N) "Live independently" means:

5 (1) For adults:

6 (i) Managing personal care, such as clothing and medication;

7 (ii) Managing a household, such as menu planning, food preparation
8 and shopping, essential care of the premises, and budgeting; and

9 (iii) Using community resources, such as commercial establishments,
10 transportation, and services of public agencies; or

11 (2) For minors, functioning in normal settings without the need for
12 supervision or assistance other than supervision or assistance that is age appropriate.

13 [(m)] (O) "Release" means a permanent, temporary, absolute, or conditional
14 release of an individual from a State residential center.

15 [(n)] (P) "Services" means residential, day, or other services that provide for
16 evaluation, diagnosis, treatment, care, supervision, assistance, or attention to individuals
17 with developmental disability and that promote habilitation of these individuals.

18 [(o)] (Q) "Services coordination" means a service that consists of the following 3
19 major functions that are designed to assist an individual in obtaining the needed services
20 and programs that the individual desires in order to gain as much control over the
21 individual's own life as possible:

22 (1) Planning services;

23 (2) Coordinating services; and

24 (3) Monitoring service delivery to the individual.

25 [(p)] (R) "State residential center" means a place that:

26 (1) Is owned and operated by this State;

27 (2) Provides residential services for individuals with an intellectual
28 disability and who, because of that intellectual disability, require specialized living
29 arrangements; and

30 (3) Admits 9 or more individuals with an intellectual disability.

1 **[(q)] (S)** “Treatment” means any education, training, professional care or
 2 attention, or other program that is given to an individual with developmental disability.

3 **[(r)] (T)** “Vocational services” means a service that provides job training and
 4 placement, supported employment and training in acceptable work behaviors, and
 5 vocationally-related social and other skills.

6 **(U)** **“WAITING LIST” MEANS THE LIST FOR DEVELOPMENTAL DISABILITIES**
 7 **SERVICES ON WHICH THE ADMINISTRATION PLACES THE NAME OF AN INDIVIDUAL**
 8 **WHO:**

9 **(1) HAS APPLIED TO THE ADMINISTRATION FOR DEVELOPMENTAL**
 10 **DISABILITY SERVICES;**

11 **(2) HAS BEEN DETERMINED ELIGIBLE FOR DEVELOPMENTAL**
 12 **DISABILITY SERVICES BY THE ADMINISTRATION; AND**

13 **(3) HAS NOT RECEIVED THE DEVELOPMENTAL DISABILITY SERVICES**
 14 **FOR WHICH THE INDIVIDUAL HAS APPLIED.**

15 7-205.

16 (f) (1) On or before January 1 of each year, the Secretary shall prepare a
 17 report to be submitted to the General Assembly and the Department of Legislative Services,
 18 **IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,** on the
 19 Waiting List Equity Fund.

20 (2) The report shall include:

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

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

25 (iii) The number of additional persons who were on the waiting list
 26 ~~for developmental disabilities services~~ during the previous year; **[and]**

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

1 (V) THE NUMBER OF INDIVIDUALS ADDED TO THE CRISIS
2 RESOLUTION CATEGORY ~~OF THE WAITING LIST FOR DEVELOPMENTAL DISABILITIES~~
3 ~~SERVICES~~ DURING THE PREVIOUS YEAR;

4 (VI) THE NUMBER OF INDIVIDUALS ESTIMATED TO BE ADDED TO
5 THE CRISIS RESOLUTION CATEGORY ~~OF THE WAITING LIST FOR DEVELOPMENTAL~~
6 ~~DISABILITIES SERVICES~~ DURING THE NEXT YEAR; AND

7 (VII) THE COST TO PROVIDE SERVICES TO ALL INDIVIDUALS IN
8 THE CRISIS RESOLUTION CATEGORY ~~OF THE WAITING LIST FOR DEVELOPMENTAL~~
9 ~~DISABILITIES SERVICES~~.

10 7-205.1.

11 (A) (1) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2018
12 SHALL INCLUDE FOR PROGRAM M00M01.02 COMMUNITY SERVICES A GENERAL
13 FUND APPROPRIATION OF \$3,500,000 OVER THE GENERAL FUND APPROPRIATION
14 PROVIDED IN THE LEGISLATIVE APPROPRIATION IN FISCAL YEAR 2017.

15 (2) FOR FISCAL YEAR 2019, AND FOR EACH FISCAL YEAR
16 THEREAFTER, THE GOVERNOR'S PROPOSED BUDGET FOR PROGRAM M00M01.02
17 COMMUNITY SERVICES SHALL INCLUDE A GENERAL FUND APPROPRIATION OF AT
18 LEAST \$3,500,000 MORE THAN THE LEGISLATIVE APPROPRIATION IN THE PRIOR
19 FISCAL YEAR.

20 (B) (1) FUNDS APPROPRIATED UNDER SUBSECTION (A) OF THIS SECTION
21 SHALL BE USED TO PROVIDE ONGOING SERVICES TO INDIVIDUALS IN THE CRISIS
22 RESOLUTION CATEGORY ~~OF THE WAITING LIST FOR DEVELOPMENTAL DISABILITIES~~
23 ~~SERVICES~~.

24 (2) IF, AFTER PROVIDING SERVICES TO ALL INDIVIDUALS IN THE
25 CRISIS RESOLUTION CATEGORY ~~OF THE WAITING LIST~~, FUNDING APPROPRIATED
26 UNDER SUBSECTION (A) IS AVAILABLE, THE FUNDING MAY BE USED TO PROVIDE
27 SERVICES TO INDIVIDUALS IN THE CRISIS PREVENTION CATEGORY ~~OF THE WAITING~~
28 ~~LIST FOR DEVELOPMENTAL DISABILITIES SERVICES~~.

29 (C) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT AN INDIVIDUAL
30 WHO, AFTER RECEIVING SERVICES PROVIDED WITH FUNDS APPROPRIATED UNDER
31 SUBSECTION (A) OF THIS SECTION, ~~IS REMOVED FROM THE CRISIS RESOLUTION~~
32 ~~CATEGORY OF THE WAITING LIST FOR DEVELOPMENTAL DISABILITIES SERVICES~~;

33 (1) ~~BE ENROLLED IN A MEDICAID WAIVER PROGRAM; OR~~

1 ~~(2)~~ ~~CONTINUE~~ CONTINUE TO RECEIVE UNINTERRUPTED
 2 DEVELOPMENTAL DISABILITIES SERVICES IN ACCORDANCE WITH THE INDIVIDUAL'S
 3 NEEDS.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 5 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.