



MARYLAND DEVELOPMENTAL DISABILITIES COALITION

Dedicated to the rights and quality of life for people with developmental disabilities in Maryland

HB395- State Government- State Facilities and Closures- Procedures House Health and Government Operations Committee

February 22, 2023

Position: Support As Amended



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The Maryland Developmental Disabilities Coalition is comprised of five statewide organizations that are committed to improving the opportunities and outcomes for Marylanders with intellectual and developmental disabilities (IDD).

When a facility is owned leased or operated by the state for the purpose of providing health, juvenile, or correctional services to people, current law requires a principal department of the Executive Branch to provide notice and hold a public hearing prior to enacting a material change in the use, purpose, or function of a facility or a facility closure however specific timelines, notices and reports for these actions are not codified in state law.

We believe transparency in state government is important as is providing information, time, and the opportunity for people to advocate. Over time, in Maryland, state institutions for people with intellectual and developmental disabilities have closed with success and transparency, a communicated timeline, and planning, and we know how important it is for these elements of transition to be in place.

We have worked with the bill sponsors to create amendments that we feel are needed to ensure there are appropriate provisions of law, to account for emergency changes or closures, ensure plans will be developed for people who receive services within the facilities prior to material changes or closures, and to clarify that closures of certain facilities need to be described, but may not need justification or defending; people, regardless of ability or disability, should have the opportunity live in communities they choose with supports they need. The thoughtful and planful deinstitutionalization of people with IDD is important to all members of the DD Coalition.

We propose the following amendments to HB395:

AMENDMENT#1 (page 4)

(III) ~~SUBMIT A REPORT JUSTIFYING~~ **EXPLAINING** THE CLOSURE TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE:

AMENDMENT#2

Add language in 8-306(c), page 2, lines 24-26:

(c)(1) **SUBJECT TO THE EXECPTION IN (c)(3)**, before a principal department changes the use, purpose, or function of a State facility, the principal department shall **[hold a public hearing on the proposed change]**:

Insert new paragraph (c)(3), page 3, line 17

(c)(3) IF A GOVERNMENTAL AGENCY OR JUDICIAL BODY DETERMINES THERE IS AN EMERGENCY SITUATION THAT POSES A RISK TO THE HEALTH OR SAFETY OF PATIENTS, INMATES, RESIDENTS, OR STAFF OF A STATE FACILITY, THE PRINCIPAL DEPARTMENT MAY MODIFY THE TIMELINES REQUIRED BY THIS SUBSECTION, provided that any modifications made by the principal department shall provide the notice, hearing, and opportunity for comment mandated by

this subsection at the earliest possible date, unless a governmental agency or judicial body orders otherwise.

Add language in 8-306(D)(1), page 3, lines 17-18

(D)(1) **SUBJECT TO THE EXCEPTION IN (D)(3)**, BEFORE A PRINCIPAL DEPARTMENT CLOSES A STATE FACILITY, THE PRINCIPAL DEPARTMENT SHALL:

Insert a new paragraph (3) at the end of 8-306(D), page 4 line 25:

(D)(3) IF A GOVERNMENTAL AGENCY OR JUDICIAL BODY DETERMINES THERE IS AN EMERGENCY SITUATION THAT POSES A RISK TO THE HEALTH OR SAFETY OF PATIENTS, INMATES, RESIDENTS, OR STAFF OF A STATE FACILITY, THE PRINCIPAL DEPARTMENT MAY MODIFY THE TIMES REQUIRED BY THIS SUBSECTION, provided that any modifications made by the principal department shall provide the notice, hearing, report, and opportunity for comment mandated by this subsection at the earliest possible date, unless a governmental agency or judicial body orders otherwise.

AMENDMENT #3

Add language to 8-306(D)(2), page 4, lines 22-24

(2)(IV) ANY PLANS FOR ASSISTING STATE EMPLOYEES AFFECTED BY THE CLOSURE IN FINDING OTHER EMPLOYMENT; **AND;**

(V) AND PLANS FOR ASSISTING THE PATIENTS, INMATES, OR RESIDENTS AFFECTED BY THE CLOSURE; AND

In addition, the report required for closure under this bill, shall contain "any plans for the state facility after the closure" (p. 4, line 24). We respectfully ask that these plans include how the state intends to maximize on the proceeds from any sale of property and buildings, ensuring proceeds are disbursed to the Community Services Trust Fund to be used for community-based services in accordance with Article- Health-General 7-205 and 10-208.

We appreciate the opportunity to provide this testimony and remain available for any questions or comments.

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