
By: Delegate Hurson

Introduced and read first time: February 23, 1996

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Developmentally Disabled Individuals - Waiting List Equity Fund**

3 FOR the purpose of requiring that certain health occupation license fees be distributed to
4 the Waiting List Equity Fund to provide community-based services to individuals
5 eligible for certain services from the Developmental Disabilities Administration;
6 and providing for the termination of this Act.

7 BY repealing and reenacting, without amendments,
8 Article - Health - General
9 Section 7-206
10 Annotated Code of Maryland
11 (1994 Replacement Volume and 1995 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Health Occupations
14 Section 1A-206(c), 2-206(d), 3-206(c), 4-207(c), 5-206(c), 6-206(c), 7-206(c),
15 8-206(d), 10-206(c), 11-207(c), 12-206(c), 13-207(c), 14-207(c), 15-206(c),
16 16-206(c), 17-206(c), 18-207(c), and 19-206(e)
17 Annotated Code of Maryland
18 (1994 Replacement Volume and 1995 Supplement)

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

21 **Article - Health - General**

22 7-206.

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

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

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

2

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

5 (b) Subject to the appropriation process in the annual operating budget, the
6 Department shall use the Waiting List Equity Fund for:

7 (1) Providing community-based services to each individual who leaves a
8 State residential center on or after October 1, 1994; and

9 (2) Providing community-based services to individuals eligible for, but not
10 receiving, services from the Developmental Disabilities Administration, with the funds
11 remaining after each individual who leaves a State residential center on or after October
12 1, 1994 is served in the community.

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

16 (1) Individualized supported living arrangements services;

17 (2) Respite care;

18 (3) Individual and family support services;

19 (4) Supported employment; and

20 (5) Individualized community integration day services.

21 (d) (1) Subject to the appropriation process in the annual operating budget, the
22 Waiting List Equity Fund shall consist of funds which are equal to the cost of providing
23 services to an individual in a State residential center for each fiscal year, or part of a fiscal
24 year, that the individual is no longer served in a State residential center and is provided
25 community-based services as defined in paragraph (2) of this subsection.

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

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

32 (ii) Subtracting the following:

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

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

3

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

3 4. The cost for court-ordered commitments; and

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

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

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

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

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

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

14 (i) Emergency community placements; or

15 (ii) Transitioning students.

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

19 (2) The report shall include:

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

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

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

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

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

33 **Article - Health Occupations**

34 1A-206.

35 (c) (1) The Board shall pay all fees collected under the provisions of this title to
36 the Comptroller of the State.

4

1 (2) The Comptroller shall distribute the fees to the [Acupuncture Board
2 Fund] WAITING LIST EQUITY FUND ESTABLISHED UNDER § 7-206 OF THE HEALTH -
3 GENERAL ARTICLE.

4 2-206.

5 (d) (1) The Board shall pay all funds collected under this title to the
6 Comptroller of the State.

7 (2) The Comptroller shall distribute the fees to the [State Board of
8 Examiners for Audiologists, Hearing Aid Dispensers, and Speech-LanguagePathologists
9 Fund] WAITING LIST EQUITY FUND ESTABLISHED UNDER § 7-206 OF THE HEALTH -
10 GENERAL ARTICLE.

11 3-206.

12 (c) (1) The Board shall pay all funds collected under this title to the
13 Comptroller of the State.

14 (2) The Comptroller shall distribute the fees to the [State Board of
15 Chiropractic Examiners Fund] WAITING LIST EQUITY FUND ESTABLISHED UNDER §
16 7-206 OF THE HEALTH - GENERAL ARTICLE.

17 4-207.

18 (c) (1) The Board shall pay all funds collected under this title to the
19 Comptroller of the State.

20 (2) The Comptroller shall distribute the fees to the [State Board of Dental
21 Examiners Fund] WAITING LIST EQUITY FUND ESTABLISHED UNDER § 7-206 OF THE
22 HEALTH - GENERAL ARTICLE.

23 5-206.

24 (c) (1) The Board shall pay all funds collected under this title to the
25 Comptroller of the State.

26 (2) The Comptroller shall distribute the funds to the [State Board of
27 Dietetic Practice Fund] WAITING LIST EQUITY FUND ESTABLISHED UNDER § 7-206 OF
28 THE HEALTH - GENERAL ARTICLE.

29 6-206.

30 (c) (1) The Board shall pay all funds collected under this title to the
31 Comptroller of the State.

32 (2) The Comptroller shall distribute the fees to the [State Board of
33 Electrologists Fund] WAITING LIST EQUITY FUND ESTABLISHED UNDER § 7-206 OF
34 THE HEALTH - GENERAL ARTICLE.

35 7-206.

36 (c) (1) The Board shall pay all funds collected under this title to the
37 Comptroller of the State.

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1 (2) The Comptroller shall distribute the fees to the [State Board of
2 Morticians Fund] WAITING LIST EQUITY FUND ESTABLISHED UNDER § 7-206 OF THE
3 HEALTH - GENERAL ARTICLE.

4 8-206.

5 (d) (1) The Board shall pay all fees collected under the provisions of this title to
6 the Comptroller of the State.

7 (2) The Comptroller shall distribute:

8 (i) 20 percent of the fees received from the Board to the General
9 Fund of the State; and

10 (ii) The balance of the fees to the [Board of Nursing] WAITING LIST
11 EQUITY FUND ESTABLISHED UNDER § 7-206 OF THE HEALTH - GENERAL ARTICLE.

12 10-206.

13 (c) (1) The Board shall pay all funds collected under this title to the
14 Comptroller of the State.

15 (2) The Comptroller shall distribute the fees to the [State Board of
16 Occupational Therapy Practice Fund] WAITING LIST EQUITY FUND ESTABLISHED
17 UNDER § 7-206 OF THE HEALTH - GENERAL ARTICLE.

18 11-207.

19 (c) (1) The Board shall pay all funds collected under this title to the
20 Comptroller of the State.

21 (2) The Comptroller shall distribute the fees to the [State Board of
22 Examiners in Optometry Fund] WAITING LIST EQUITY FUND ESTABLISHED UNDER §
23 7-206 OF THE HEALTH - GENERAL ARTICLE.

24 12-206.

25 (c) (1) The Board shall pay all funds collected under this title to the
26 Comptroller of the State.

27 (2) The Comptroller shall distribute the fees to the [State Board of
28 Pharmacy Fund] WAITING LIST EQUITY FUND ESTABLISHED UNDER § 7-206 OF THE
29 HEALTH - GENERAL ARTICLE.

30 13-207.

31 (c) (1) The Board shall pay all funds collected under this title to the
32 Comptroller of the State.

33 (2) The Comptroller shall distribute the fees to the [State Board of Physical
34 Therapy Examiners Fund] WAITING LIST EQUITY FUND ESTABLISHED UNDER § 7-206
35 OF THE HEALTH - GENERAL ARTICLE.

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1 14-207.

2 (c) (1) Except for fees assessed in accordance with the provisions of § 14-402(e)
3 of this title, the Board shall pay all fees collected under the provisions of this title to the
4 Comptroller of the State.

5 (2) The Comptroller shall distribute:

6 (i) 6 percent of the fees received from the Board to the General Fund
7 of the State;

8 (ii) 14 percent of the fees received from the Board to the State
9 Scholarship Administration to be used as follows:

10 1. One-half to make grants under the Health Manpower
11 Shortage Incentive Grant Program under § 18-804.1 of the Education Article; and

12 2. One-half to make grants under the Loan Assistance
13 Repayment Program under § 18-1602(c) of the Education Article to physicians engaged
14 in primary care or to medical residents specializing in primary care who agree to practice
15 for at least 2 years as primary care physicians in a geographic area of the State that has
16 been designated by the Secretary of Health and Mental Hygiene as being medically
17 underserved; and

18 (iii) The balance of the fees to the [Board of Physician Quality
19 Assurance Fund] WAITING LIST EQUITY FUND ESTABLISHED UNDER § 7-206 OF THE
20 HEALTH - GENERAL ARTICLE.

21 15-206.

22 (c) The Comptroller shall distribute:

23 (1) 20 percent of the fees received from the Board to the General Fund of
24 the State; and

25 (2) The balance of the fees to the [State Board of Physician Quality
26 Assurance Fund] WAITING LIST EQUITY FUND ESTABLISHED UNDER § 7-206 OF THE
27 HEALTH - GENERAL ARTICLE.

28 16-206.

29 (c) (1) The Board shall pay all funds collected under this title to the
30 Comptroller of the State.

31 (2) The Comptroller shall distribute the fees to the [State Board of
32 Podiatric Medical Examiners Fund] WAITING LIST EQUITY FUND ESTABLISHED
33 UNDER § 7-206 OF THE HEALTH - GENERAL ARTICLE.

34 17-206.

35 (c) (1) The Board shall pay all funds collected under this title to the
36 Comptroller of the State.

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1 (2) The Comptroller shall distribute the fees to the [State Board of
2 Examiners of Professional Counselors Fund] WAITING LIST EQUITY FUND
3 ESTABLISHED UNDER § 7-206 OF THE HEALTH - GENERAL ARTICLE.

4 18-207.

5 (c) (1) The Board shall pay all funds collected under this title to the
6 Comptroller of the State.

7 (2) The Comptroller shall distribute the fees to the [State Board of
8 Examiners for Psychologists Fund] WAITING LIST EQUITY FUND ESTABLISHED UNDER
9 § 7-206 OF THE HEALTH - GENERAL ARTICLE.

10 19-206.

11 (e) (1) The Board shall pay all funds collected under this title to the
12 Comptroller of the State.

13 (2) The Comptroller shall distribute the fees to the [State Board of Social
14 Work Examiners Fund] WAITING LIST EQUITY FUND ESTABLISHED UNDER § 7-206 OF
15 THE HEALTH - GENERAL ARTICLE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 1996. It shall remain effective for a period of 1 year or until a cumulative total of
18 \$8,000,000 has been distributed to the Waiting List Equity Fund under this Act,
19 whichever occurs first, and, at the end of June 30, 1997 or when a cumulative total of
20 \$8,000,000 has been distributed to the Waiting List Equity Fund under this Act,
21 whichever is earlier, with no further action required by the General Assembly, this Act
22 shall be abrogated and of no further force and effect.