
By: Delegate Fulton (Co-Chairman, Special Joint Committee on Group Homes)

Introduced and read first time: January 31, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Interagency Coordinating Council on Community-Based Services for Adults with**
3 **Developmental Disabilities or Mental Disorders**

4 FOR the purpose of establishing an Interagency Coordinating Council on
5 Community-Based Services for Adults with Developmental Disabilities or Mental
6 Disorders; specifying the membership, responsibilities, and duties of the Council;
7 establishing the Department of Health and Mental Hygiene as the lead agency for
8 supervising and monitoring a certain interagency system for regulating the
9 establishment, licensure, and operation of certain community-based residential
10 facilities or programs; specifying the responsibilities of the Department under this
11 Act; providing for the application of this Act; defining a certain term; and generally
12 relating to the establishment of an Interagency Coordinating Council on
13 Community-Based Services for Adults with Developmental Disabilities or Mental
14 Disorders.

15 BY adding to

16 Article - Health - General
17 Section 13-901 through 13-906, inclusive, to be under the new subtitle "Subtitle 9.
18 Interagency Coordinating Council on Community-Based Services for Adults
19 with Developmental Disabilities or Mental Disorders"
20 Annotated Code of Maryland
21 (1994 Replacement Volume and 1996 Supplement)

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

24 **Article - Health - General**

25 **SUBTITLE 9. INTERAGENCY COORDINATING COUNCIL ON COMMUNITY-BASED**
26 **SERVICES FOR ADULTS WITH DEVELOPMENTAL DISABILITIES OR MENTAL**
27 **DISORDERS.**

28 13-901.

29 IN THIS SUBTITLE, "COUNCIL" MEANS THE INTERAGENCY COORDINATING
30 COUNCIL ON COMMUNITY-BASED SERVICES FOR ADULTS WITH DEVELOPMENTAL
31 DISABILITIES OR MENTAL DISORDERS.

2

1 13-902.

2 THIS SUBTITLE APPLIES ONLY TO THE LICENSING AND REGULATION OF
3 COMMUNITY-BASED RESIDENTIAL PROGRAMS AND FACILITIES FOR THE PROVISION
4 OF COMMUNITY-BASED SERVICES TO ADULTS WITH DEVELOPMENTAL DISABILITIES
5 OR MENTAL DISORDERS.

6 13-903.

7 THE DEPARTMENT SHALL BE THE LEAD AGENCY FOR SUPERVISING AND
8 MONITORING A STATEWIDE INTERAGENCY SYSTEM FOR REGULATING THE
9 ESTABLISHMENT, OPERATION, AND LICENSING OF COMMUNITY-BASED
10 RESIDENTIAL FACILITIES OR PROGRAMS FUNDED BY:

11 (1) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION TO SERVE
12 ADULTS WITH DEVELOPMENTAL DISABILITIES UNDER TITLE 7, SUBTITLE 6 OF THIS
13 ARTICLE;

14 (2) THE MENTAL HYGIENE ADMINISTRATION TO SERVE ADULTS WITH
15 MENTAL DISORDERS UNDER TITLE 10, SUBTITLE 5 OF THIS ARTICLE; OR

16 (3) THE DEPARTMENT OF HUMAN RESOURCES TO SERVE ADULTS THAT
17 REQUIRE A SUPPORTIVE HOUSING ARRANGEMENT IN ORDER TO RESIDE IN THE
18 COMMUNITY BECAUSE OF A PHYSICAL, MEDICAL, OR MENTAL DISABILITY
19 THROUGH THE "CARE PROGRAM", AS ESTABLISHED AND DEFINED UNDER ARTICLE
20 88A OF THE CODE.

21 13-904.

22 THE DEPARTMENT SHALL:

23 (1) SERVE AS THE POINT OF ENTRY FOR PERSONS DESIRING
24 INFORMATION ON ESTABLISHING A COMMUNITY-BASED RESIDENTIAL PROGRAM
25 OR FACILITY TO PROVIDE COMMUNITY-BASED SERVICES TO ADULTS WITH
26 DEVELOPMENTAL DISABILITIES OR MENTAL DISORDERS;

27 (2) PROVIDE THE DEVELOPMENTAL DISABILITIES ADMINISTRATION,
28 THE MENTAL HYGIENE ADMINISTRATION, THE DEPARTMENT OF HUMAN
29 RESOURCES, AND OTHER STATE AGENCIES THAT ROUTINELY RECEIVE INQUIRES
30 FROM THE PUBLIC WITH INFORMATION ABOUT THE AVAILABILITY OF
31 COMMUNITY-BASED RESIDENTIAL SERVICES AND PROGRAMS FOR ADULTS WITH
32 DEVELOPMENTAL DISABILITIES OR MENTAL DISORDERS THAT WILL ENABLE THE
33 AGENCIES TO RESPOND TO THE INQUIRIES ACCURATELY AND EFFECTIVELY; AND

34 (3) MONITOR THROUGH THE COUNCIL THE VARIOUS ASPECTS OF
35 ESTABLISHING, LICENSING, LOCATING, AND OPERATING COMMUNITY-BASED
36 RESIDENTIAL PROGRAMS AND FACILITIES FOR ADULTS WITH DEVELOPMENTAL
37 DISABILITIES OR MENTAL DISORDERS BY STATE AGENCIES TO ENSURE
38 COMPLIANCE WITH APPLICABLE STATE LAW AND REGULATIONS.

3

1 13-905.

2 (A) TO CARRY OUT THE REQUIREMENTS OF THIS SUBTITLE, THE SECRETARY
3 SHALL ESTABLISH AN INTERAGENCY COORDINATING COUNCIL ON
4 COMMUNITY-BASED SERVICES FOR ADULTS WITH DEVELOPMENTAL DISABILITIES
5 OR MENTAL DISORDERS.

6 (B) THE COUNCIL SHALL INCLUDE AT LEAST 1 REPRESENTATIVE FROM:

7 (1) THE MENTAL HYGIENE ADMINISTRATION;

8 (2) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION;

9 (3) THE ALCOHOL AND DRUG ABUSE ADMINISTRATION;

10 (4) THE DEPARTMENT OF HUMAN RESOURCES; AND

11 (5) THE OFFICE ON AGING.

12 (C) STAFF SUPPORT FOR THE COUNCIL SHALL BE PROVIDED BY THE
13 DEPARTMENT.

14 13-906.

15 THE COUNCIL SHALL:

16 (1) ESTABLISH AND MAINTAIN A MULTIPLE AGENCY INFORMATION
17 SYSTEM TO ASSURE STATE AGENCY ACCOUNTABILITY AND COORDINATION AND
18 ASSISTANCE IN STATE SERVICE PLANNING CAPABILITY IN REGARD TO THE
19 PROVISION OF COMMUNITY-BASED RESIDENTIAL SERVICES AND PROGRAMS FOR
20 ADULTS WITH DEVELOPMENTAL DISABILITIES OR MENTAL DISORDERS;

21 (2) DEVELOP AND MAINTAIN UNIFORM APPLICATION AND LICENSING
22 PROCEDURES FOR PERSONS DESIRING TO ESTABLISH A COMMUNITY-BASED
23 RESIDENTIAL PROGRAM OR FACILITY TO PROVIDE COMMUNITY-BASED SERVICES
24 TO ADULTS WITH DEVELOPMENTAL DISABILITIES OR MENTAL DISORDERS;

25 (3) PROMOTE, AS PART OF EACH STATE AGENCY'S LICENSING
26 PROCEDURE, THE RECOMMENDATION THAT PERSONS SEEKING TO ESTABLISH A
27 COMMUNITY-BASED RESIDENTIAL FACILITY OR PROGRAM DURING THE PLANNING
28 AND DEVELOPMENT PHASE OF THE FACILITY OR PROGRAM INVOLVE AND
29 COMMUNICATE WITH THE COMMUNITY IN WHICH THE FACILITY OR PROGRAM WILL
30 BE LOCATED;

31 (4) DEVELOP CRITERIA FOR ANNOUNCED AND UNANNOUNCED
32 INSPECTIONS AND EVALUATIONS OF COMMUNITY-BASED RESIDENTIAL PROGRAMS
33 AND FACILITIES BY THE STATE AGENCIES;

34 (5) ESTABLISH QUALIFICATIONS AND TRAINING REQUIREMENTS
35 AMONG THE STATE AGENCIES FOR DIRECT CARE STAFF OF PERSONS HOLDING A
36 LICENSE TO OPERATE A COMMUNITY-BASED RESIDENTIAL PROGRAM OR FACILITY
37 FOR ADULTS WITH DEVELOPMENTAL DISABILITIES OR MENTAL DISORDERS;

4

1 (6) PERIODICALLY REVIEW THE RESIDENTIAL PLACEMENT DECISION
2 PROCEDURES OF THE STATE AGENCIES FOR ADULTS WITH DEVELOPMENTAL
3 DISABILITIES OR MENTAL DISORDERS; AND

4 (7) MAKE RECOMMENDATIONS TO THE APPROPRIATE STATE AGENCY
5 ON THE DEVELOPMENT OF REGULATIONS NECESSARY TO CARRY OUT THE
6 PROVISIONS OF THIS SUBTITLE.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 1997.