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**By: Senator Dorman (Co-Chairman, Special Joint Committee on Group Homes)**

Introduced and read first time: January 21, 1997

Assigned to: Finance

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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;

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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.