

HOUSE BILL 99

Unofficial Copy  
J1

1998 Regular Session  
(8lr1059)

*ENROLLED BILL*  
*-- Environmental Matters/Finance --*

Introduced by **Delegates Hurson, Taylor, Dewberry, Rawlings, Curran, Busch, Guns, Vallario, Hixson, Harrison, Menes, Kopp, Arnick, Owings, Barve, Benson, E. Burns, Cadden, Clagett, Conroy, C. Davis, Dembrow, Doory, Dypski, Finifter, Franchot, Frank, Fulton, Goldwater, Hecht, Heller, Howard, Jones, Krysiak, Love, Mandel, Marriott, V. Mitchell, Morhaim, Nathan-Pulliam, Patterson, Perry, Petzold, Pitkin, Preis, Proctor, Shriver, Slade, Turner, Weir, Wood, and ~~Workman~~ Workman, DeCarlo, Donoghue, McHale, Miller, Valderrama, and Hubbard**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Home- and Community-Based Services for Autistic Children and**  
3 **~~Chronically Mentally Ill~~ Seriously Emotionally Disturbed Individuals -**  
4 **Medicaid ~~Waiver~~ Waivers**

5 FOR the purpose of requiring the Department of Health and Mental Hygiene to apply  
6 to the federal Health Care Financing Administration for a certain home- and  
7 community-based services ~~waiver~~ waivers to provide certain services to certain  
8 autistic children and ~~chronically mentally ill~~ seriously emotionally disturbed  
9 individuals; requiring certain action to be taken by the Maryland State  
10 Department of Education, local school systems, ~~and~~ local lead agencies, and the

1 Mental Hygiene Administration; requiring the Department to report to the  
 2 General Assembly concerning the status of a certain application at certain time  
 3 intervals; and generally relating to the provision of certain services to certain  
 4 autistic children and ~~chronically mentally ill~~ seriously emotionally disturbed  
 5 individuals.

6 BY repealing and reenacting, without amendments,  
 7 Article - Health - General  
 8 Section 1-101(a) and (c)  
 9 Annotated Code of Maryland  
 10 (1994 Replacement Volume and 1997 Supplement)

11 BY adding to  
 12 Article - Health - General  
 13 Section 15-130  
 14 Annotated Code of Maryland  
 15 (1994 Replacement Volume and 1997 Supplement)

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

18 **Article - Health - General**

19 1-101.

20 (a) In this article the following words have the meanings indicated.

21 (c) "Department" means the Department of Health and Mental Hygiene.

22 15-130.

23 (A) IN THIS SECTION, "SERIOUSLY EMOTIONALLY DISTURBED" MEANS A  
 24 CONDITION THAT IS:

25 (1) MANIFEST IN AN INDIVIDUAL YOUNGER THAN 18 YEARS OR, IF THE  
 26 INDIVIDUAL IS IN A RESIDENTIAL TREATMENT CENTER, YOUNGER THAN 21 YEARS;

27 (2) DIAGNOSED ACCORDING TO THE CURRENT DIAGNOSTIC  
 28 CLASSIFICATION SYSTEM THAT IS RECOGNIZED BY THE SECRETARY; AND

29 (3) CHARACTERIZED BY A FUNCTIONAL IMPAIRMENT THAT  
 30 SUBSTANTIALLY INTERFERES WITH OR LIMITS THE CHILD'S ROLE OR FUNCTIONING  
 31 IN THE FAMILY, SCHOOL, OR COMMUNITY ACTIVITIES.

32 ~~(A)~~ (B) (1) THE DEPARTMENT SHALL APPLY TO THE HEALTH CARE  
 33 FINANCING ADMINISTRATION OF THE FEDERAL DEPARTMENT OF HEALTH AND  
 34 HUMAN SERVICES FOR A HOME- AND COMMUNITY-BASED SERVICES WAIVER UNDER  
 35 § 1915(C) OF THE FEDERAL SOCIAL SECURITY ACT IN ORDER TO RECEIVE FEDERAL

1 MATCHING FUNDS FOR ~~THE PROVISION OF THE FOLLOWING SERVICES TO~~  
 2 ~~CHRONICALLY MENTALLY ILL INDIVIDUALS AGED 5 THROUGH 20 YEARS AND~~  
 3 ~~AUTISTIC CHILDREN~~ SERIOUSLY EMOTIONALLY DISTURBED INDIVIDUALS WHO  
 4 WOULD OTHERWISE REQUIRE INSTITUTIONALIZATION IN A RESIDENTIAL  
 5 TREATMENT ~~FACILITY:~~ CENTER.

6 (2) THE DEPARTMENT SHALL APPLY TO THE HEALTH CARE FINANCING  
 7 ADMINISTRATION OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN  
 8 SERVICES FOR A HOME- AND COMMUNITY-BASED SERVICES WAIVER UNDER §  
 9 1915(C) OF THE FEDERAL SOCIAL SECURITY ACT IN ORDER TO RECEIVE FEDERAL  
 10 MATCHING FUNDS FOR SERVICES TO AUTISTIC CHILDREN AGED 1 THROUGH 21  
 11 YEARS WHO WOULD OTHERWISE REQUIRE INSTITUTIONALIZATION IN AN  
 12 INSTITUTION FOR THE DEVELOPMENTALLY DISABLED.

13 (C) IN ACCORDANCE WITH SUBSECTION (B)(1) AND (2) OF THIS SECTION, THE  
 14 SERVICES TO BE PROVIDED FOR SERIOUSLY EMOTIONALLY DISTURBED  
 15 INDIVIDUALS OR AUTISTIC CHILDREN MAY INCLUDE, BUT ARE NOT LIMITED TO:

- 16 (1) RESPITE SERVICES;
- 17 (2) FAMILY TRAINING AND EDUCATION;
- 18 (3) DAY TREATMENT SERVICES;
- 19 (4) THERAPEUTIC INTEGRATION SERVICES;
- 20 (5) INTENSIVE INDIVIDUAL SUPPORT SERVICES;
- 21 (6) THERAPEUTIC LIVING SERVICES; ~~AND~~
- 22 (7) INTENSIVE IN-HOME INTERVENTION SERVICES; AND
- 23 (8) SPECIALIZED CASE MANAGEMENT SERVICES.

24 ~~(B)~~ (D) THE STATE MATCHING FUNDS REQUIRED TO COVER THE MEDICAID  
 25 COSTS UNDER THE WAIVER FOR INDIVIDUALS WITH AUTISM AUTISTIC CHILDREN  
 26 SHALL BE CERTIFIED OR OTHERWISE PROVIDED BY THE MARYLAND STATE  
 27 DEPARTMENT OF EDUCATION, LOCAL SCHOOL SYSTEMS, AND LOCAL LEAD  
 28 AGENCIES.

29 ~~(C)~~ (E) THE STATE MATCHING FUNDS REQUIRED TO COVER THE MEDICAID  
 30 COSTS UNDER THE WAIVER FOR ~~CHRONICALLY MENTALLY ILL~~ SERIOUSLY  
 31 EMOTIONALLY DISTURBED INDIVIDUALS SHALL BE CERTIFIED OR OTHERWISE  
 32 PROVIDED BY THE MARYLAND STATE DEPARTMENT OF EDUCATION, LOCAL SCHOOL  
 33 SYSTEMS, LOCAL LEAD AGENCIES, AND BY THE MENTAL HYGIENE ADMINISTRATION.

34 ~~(B)~~ ~~(D)~~ (F) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE,  
 35 THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY EVERY 6 MONTHS  
 36 CONCERNING THE STATUS OF THE DEPARTMENT'S APPLICATION APPLICATIONS  
 37 UNDER SUBSECTION ~~(A)~~ (B) OF THIS SECTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 July 1, 1998.