
By: **Delegate C. Davis**
Introduced and read first time: February 21, 2000
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Developmental Disabilities Administration - Individuals With Mental**
3 **Disorders**

4 FOR the purpose of authorizing the Developmental Disabilities Administration to
5 provide appropriate care directly to an individual with a developmental
6 disability who has a mental disorder or to contract with a provider of care to
7 provide the appropriate care to the individual; and giving the Administration
8 the discretion to determine how care is to be provided to an individual with a
9 developmental disability who has a mental disorder; and generally relating to
10 the treatment of individuals with mental disorders.

11 BY repealing and reenacting, with amendments,
12 Article - Health - General
13 Section 7-802
14 Annotated Code of Maryland
15 (1994 Replacement Volume and 1999 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 7-802.

20 (a) [The Developmental Disabilities Administration may ask the Mental
21 Hygiene Administration to accept primary responsibility for an individual in or
22 eligible for admission to a State residential center, if] IF the Developmental
23 Disabilities Administration finds that [the] AN individual would be provided for more
24 appropriately in a program OF CARE for individuals with mental disorders, THE
25 DEVELOPMENTAL DISABILITIES ADMINISTRATION MAY:

26 (1) PROVIDE THE APPROPRIATE PROGRAM OF CARE DIRECTLY TO THE
27 INDIVIDUAL;

1 (2) CONTRACT WITH A PRIVATE PROVIDER TO PROVIDE AN
2 APPROPRIATE PROGRAM OF CARE TO THE INDIVIDUAL; OR

3 (3) ASK THE MENTAL HYGIENE ADMINISTRATION TO ACCEPT PRIMARY
4 RESPONSIBILITY FOR AN INDIVIDUAL IN OR ELIGIBLE FOR ADMISSION TO A STATE
5 RESIDENTIAL CENTER.

6 (b) The Mental Hygiene Administration shall determine whether [transfer]
7 PROVIDING CARE DIRECTLY OR THROUGH A PRIVATE CONTRACTOR TO AN
8 INDIVIDUAL OR TRANSFERRING THE INDIVIDUAL to a mental health program is
9 appropriate.

10 (c) A dispute over a transfer of an individual from the Developmental
11 Disabilities Administration to the Mental Hygiene Administration shall be resolved,
12 in accordance with procedures that the Secretary sets, on request of the
13 Developmental Disabilities Administration or the Mental Hygiene Administration.

14 (d) The Director shall give the individual with developmental disability the
15 opportunity for a hearing on the proposed transfer under this section.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2000.