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By: **Chairman, Appropriations Committee (Departmental - Children, Youth and Families)**

Introduced and read first time: February 7, 2001

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Office for Children, Youth, and Families - Revisions**

3 FOR the purpose of altering the units which are included in the Office for Children,  
4 Youth, and Families; requiring the Special Secretary of the Office for Children,  
5 Youth, and Families to adopt certain regulations concerning local management  
6 boards; altering the method for designating the chair of the State Coordinating  
7 Council; modifying the duties of the Council; altering the composition of local  
8 coordinating councils; specifying the method for designating a chair for certain  
9 local coordinating councils; requiring local coordinating councils to provide a  
10 certain interagency plan; requiring the Subcabinet for Children, Youth, and  
11 Families to develop a certain plan by a certain date; specifying the contents of  
12 the plan to be developed by the Subcabinet; allowing a local or State agency to  
13 approve a certain out-of-state placement plan for a child only under certain  
14 circumstances; codifying the Maryland School-Based Health Center Policy  
15 Advisory Council; specifying the members and the duties of the Advisory  
16 Council; defining certain terms; repealing certain terms; making certain  
17 stylistic and technical changes; and generally relating to the Office for Children,  
18 Youth, and Families.

19 BY repealing

20 Article 49D - Office for Children, Youth, and Families  
21 Section 5, 8, 9, and 29 and the subheading "Out-of-State Placement of  
22 Children" immediately preceding Section 20  
23 Annotated Code of Maryland  
24 (1998 Replacement Volume and 2000 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article 49D - Office for Children, Youth, and Families  
27 Section 1, 4.2, 4.3, 11; 13 and the subheading "Services to Children With Special  
28 Needs"; 15, 16, 17, 19, 20.1, 23, and 28  
29 Annotated Code of Maryland  
30 (1998 Replacement Volume and 2000 Supplement)

1 BY adding to  
 2 Article 49D - Office for Children, Youth, and Families  
 3 Section 40 through 44, inclusive, to be under the new subheading "Maryland  
 4 School-Based Health Center Policy Advisory Council"  
 5 Annotated Code of Maryland  
 6 (1998 Replacement Volume and 2000 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 8 MARYLAND, That Section(s) 5, 8, 9, and 29 and the subheading "Out-of-State  
 9 Placement of Children" immediately preceding Section 20 of Article 49D - Office for  
 10 Children, Youth, and Families of the Annotated Code of Maryland be repealed.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 12 read as follows:

13 **Article 49D - Office for Children, Youth, and Families**

14 1.

15 (a) The Office for Children, Youth, and Families is created as part of the  
 16 Executive Department.

17 (b) The head of the Office is the Special Secretary for Children, Youth, and  
 18 Families. The Special Secretary is appointed by and serves at the pleasure of the  
 19 Governor and is directly responsible to [him] THE GOVERNOR. The Special Secretary  
 20 shall receive the salary provided in the State budget.

21 (c) The Office shall have [a Director and the assistants, fiscal analysts,  
 22 consultants, and employees] STAFF AS provided in the State budget. The Special  
 23 Secretary may establish areas of responsibility within the Office and may designate  
 24 staff as necessary to fulfill the duties assigned to the Special Secretary.

25 (d) The following units are in the Office:

26 (1) [Advisory Committee for Children, Youth, and Families;

27 (2) Children's councils;

28 (3)] The Governor's Council on Adolescent Pregnancy;

29 [(4)] (2) The State Coordinating Council [for Residential Placement of  
 30 Handicapped Children; and]

31 (3) THE MARYLAND SCHOOL-BASED HEALTH CENTER POLICY ADVISORY  
 32 COUNCIL;

33 (4) THE STATE COUNCIL ON CHILD ABUSE AND NEGLECT AS  
 34 ESTABLISHED IN § 5-7A-01 OF THE FAMILY LAW ARTICLE;

1 (5) THE STATE COMMISSION ON INFANT MORTALITY PREVENTION; AND

2 [(5)] (6) Other multiple agency initiatives for children, youth, and  
3 families that are not reserved by law to another agency.

4 4.2.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) "COMMUNITY PARTNERSHIP AGREEMENT" MEANS THE AGREEMENT  
7 EXECUTED BETWEEN THE STATE AND THE LOCAL MANAGEMENT BOARDS FOR THE  
8 PROVISION OF SERVICES FOR CHILDREN, YOUTH, AND FAMILIES.

9 [(2)] (3) "Local management board" means the nonprofit corporation or  
10 public agency designated in accordance with § 11 of this article.

11 [(3)] "Local management board grant agreement" means the agreement  
12 executed between the State and local management board for the provision of services  
13 for children and families in accordance with the plans developed under §§ 20.1 and 38  
14 of this article.

15 (4) "Incentives" means the moneys:

16 (i) Available from the reduction of costs of out-of-home  
17 placements; and

18 (ii) Paid in accordance with local management board grant  
19 agreements.]

20 (b) There is a Subcabinet for Children, Youth, and Families Resource Fund.

21 (c) Subject to subsection (h) of this section, the Fund is a continuing,  
22 nonlapsing special fund that is not subject to the provisions of § 7-302 of the State  
23 Finance and Procurement Article.

24 (d) [ In addition to] THE FUND CONSISTS OF any moneys that may be  
25 appropriated, transferred, credited, or paid to the Fund from any source[, the Fund  
26 shall consist of the State's share of incentives earned in accordance with the local  
27 management board grant agreement].

28 (e) The State Treasurer shall hold, and the Comptroller shall account for, the  
29 Fund.

30 (f) (1) The Fund shall be invested and reinvested in the same manner as  
31 other State funds.

32 (2) Any investment earnings shall be retained to the credit of the Fund.

33 (g) (1) Expenditures from the Fund may only be made pursuant to an  
34 appropriation approved by the General Assembly in the annual State budget bill.

1 (2) The Subcabinet shall expend the funds only in accordance with  
2 priorities adopted by the Subcabinet to fulfill the duties provided in § 4.1 of this  
3 article.

4 (h) Any amount of money in the Fund in excess of \$1,000,000 on June 30 of  
5 each year shall revert to the General Fund.

6 4.3.

7 In accordance with § 4 of this article, the Subcabinet shall phase in a statewide  
8 system of interagency budgeting and funding [to be fully implemented by fiscal year  
9 1998]. As part of this system, the Subcabinet shall:

10 (1) Establish a Subcabinet Fund which:

11 (i) Includes moneys for out-of-home care and services to prevent  
12 out-of-home placements;

13 (ii) Consists of any other moneys appropriated, transferred,  
14 credited, or paid from any source;

15 (iii) Is expended in accordance with policies and procedures adopted  
16 by the Subcabinet and the budget amendment procedure provided for in § 7-209 of  
17 the State Finance and Procurement Article;

18 (iv) Reverts to the General Fund of the State at the end of each  
19 fiscal year, as provided in § 7-302 of the State Finance and Procurement Article; and

20 (v) Has as its fiscal agent the Department of Education;

21 (2) Develop a plan for a continuum of care and services that is family and  
22 child oriented and emphasizes prevention, early intervention, and community-based  
23 services;

24 (3) Implement an interagency effort to maximize available resources  
25 from all sources, including federal moneys and private third party reimbursement;  
26 and

27 (4) Use outcome measures and fiscal incentives to encourage more  
28 productive use of State funds for children and family services.

29 11.

30 (a) [Within guidelines developed by the Special Secretary of the Office for  
31 Children, Youth, and Families, each] EACH local jurisdiction shall establish [or  
32 designate] AND MAINTAIN a local management board to ensure the implementation  
33 of a local, interagency service delivery system for children, youth, and families.

34 (b) In establishing the local management board, a local jurisdiction may elect  
35 to:

1 (1) Designate a quasi-public nonprofit corporation not to be considered  
2 an instrumentality of the local government;

3 (2) Designate a public agency to be considered an instrumentality of the  
4 local government; or

5 (3) Designate a regional nonprofit corporation or public agency to  
6 represent multiple jurisdictions.

7 (C) THE SPECIAL SECRETARY, IN CONSULTATION WITH THE SUBCABINET,  
8 SHALL ADOPT REGULATIONS:

9 (1) SPECIFYING THE ROLES AND RESPONSIBILITIES OF LOCAL  
10 MANAGEMENT BOARDS;

11 (2) ESTABLISHING MINIMUM STANDARDS FOR THE COMPOSITION OF  
12 LOCAL MANAGEMENT BOARDS;

13 (3) ESTABLISHING FISCAL AND PROGRAM ACCOUNTABILITY IN THE  
14 IMPLEMENTATION OF COMMUNITY PARTNERSHIP AGREEMENTS AND THE USE OF  
15 OTHER STATE RESOURCES BY LOCAL MANAGEMENT BOARDS;

16 (4) ESTABLISHING PROCEDURES TO ENSURE THE CONFIDENTIALITY OF  
17 INFORMATION SHARED BY LOCAL MANAGEMENT BOARD MEMBERS AND  
18 EMPLOYEES, PURSUANT TO STATE AND FEDERAL LAW; AND

19 (5) GENERALLY RELATING TO THE OPERATION OF LOCAL MANAGEMENT  
20 BOARDS.

21 Services to Children With [Disabilities] SPECIAL NEEDS

22 13.

23 (a) In this subtitle the following words have the meanings indicated.

24 (B) "CHILD WITH SPECIAL NEEDS" MEANS A CHILD WHO IS DETERMINED BY  
25 AN AGENCY REPRESENTED ON THE LOCAL COORDINATING COUNCIL TO REQUIRE,  
26 OR TO BE AT RISK OF REQUIRING, A RESIDENTIAL PLACEMENT.

27 (C) "COMMUNITY-BASED PLACEMENT" MEANS:

28 (1) A PLACEMENT THAT IS:

29 (I) WITHIN THE JURISDICTION OF THE LOCAL COORDINATING  
30 COUNCIL TO WHICH THE CHILD HAS BEEN REFERRED BY A LOCAL AGENCY; OR

31 (II) WITH THE APPROVAL OF THE COUNCIL, WITHIN A  
32 MULTICOUNTY AREA IN WHICH COMMUNITY RESOURCES ARE SHARED; OR

33 (2) SERVICES PROVIDED TO THE CHILD IN THE CHILD'S HOME AS AN  
34 ALTERNATIVE TO RESIDENTIAL PLACEMENT.

1 [(b)] (D) "Council" means the State Coordinating Council.

2 [(c)] (E) "Local coordinating council" means a local coordinating council for  
3 residential placement of children with [disabilities] SPECIAL NEEDS.

4 15.

5 (a) The members of the Council are:

6 (1) The Secretary of Health and Mental Hygiene or the Secretary's  
7 designee;

8 (2) The Secretary of Human Resources or the Secretary's designee;

9 (3) The State Superintendent of Schools or the Superintendent's  
10 designee;

11 (4) The Director of the Governor's Office for Individuals with  
12 Disabilities, as a nonvoting, ex officio member;

13 (5) The Special Secretary of the Office for Children, Youth, and Families  
14 or the Special Secretary's designee; and

15 (6) The Secretary of the Department of Juvenile Justice or the  
16 Secretary's designee.

17 (b) (1) There is a chairman of the Council who shall serve a term of 12  
18 months in 5-year cycles of rotation as provided in this subsection.

19 (2) [The Secretary of Health and Mental Hygiene is the chairman of the  
20 Council for a term of 12 consecutive months beginning on July 1, 1987. The Secretary  
21 of Human Resources shall succeed the Secretary of Health and Mental Hygiene as  
22 chairman for a term of 12 consecutive months, the Secretary of the Department of  
23 Juvenile Justice shall succeed the Secretary of Human Resources for a term of 12  
24 consecutive months, the State Superintendent of Schools shall succeed the Secretary  
25 of the Department of Juvenile Justice for a term of 12 consecutive months and the  
26 Special Secretary of the Office for Children, Youth, and Families shall succeed the  
27 State Superintendent of Schools for a term of 12 consecutive months.

28 (3) After the initial 5-year cycle of rotation of the office of chairman,  
29 each voting member shall serve as chairman for a 12-month term in the order set  
30 forth in paragraph (2) of this subsection] THE CHAIRMAN OF THE COUNCIL SHALL  
31 ANNUALLY ROTATE AMONG THE VOTING MEMBERS OF THE AGENCIES  
32 REPRESENTED ON THE COUNCIL.

33 (c) Staff support for the Council shall be provided by the Office for Children,  
34 Youth, and Families within the Executive Branch of the government.

1 16.

2 The Council shall:

3 (1) Establish AND OVERSEE a local coordinating council for residential  
4 placement of children with [disabilities] SPECIAL NEEDS in each county, and  
5 Baltimore City, in the State;

6 (2) Develop procedures for the operation of local coordinating councils;

7 (3) Periodically review the residential placement decision procedures of  
8 the local coordinating councils for children with [disabilities] SPECIAL NEEDS;

9 (4) [Receive and review] REVIEW recommendations for STATE FUNDING  
10 OF the individual placement of [children] A CHILD with [disabilities] SPECIAL  
11 NEEDS in A residential [programs] PROGRAM submitted by [the] A local  
12 coordinating [councils] COUNCIL;

13 (5) [Assure] MONITOR LOCAL COORDINATING COUNCILS TO ASSURE  
14 that the local coordinating councils consider all alternatives for the provision of  
15 services to children with [disabilities] SPECIAL NEEDS and their families in the  
16 community;

17 (6) Plan and coordinate with the local coordinating councils concerning  
18 the adequate provision of multiple agency services to children with [disabilities]  
19 SPECIAL NEEDS requiring residential placement;

20 (7) In cooperation with the local coordinating councils, monitor the  
21 services being provided to children placed in residential programs;

22 (8) Establish and maintain a multiple agency information system to  
23 assure agency accountability and provide State service planning capability;

24 (9) Coordinate such evaluations of residential facilities for children with  
25 [disabilities] SPECIAL NEEDS as are required by statute; [and]

26 (10) Make recommendations to the appropriate secretary on the  
27 development of regulations to carry out the provisions of this subtitle;

28 (11) WITH THE APPROVAL OF THE SUBCABINET, ESTABLISH A PROCESS  
29 FOR THE RESOLUTION OF DISPUTES AMONG LOCAL AGENCIES REGARDING THE  
30 PROVISION AND FUNDING OF INTERAGENCY SERVICES TO CHILDREN WITH SPECIAL  
31 NEEDS; AND

32 (12) PERFORM OTHER RELATED ACTIVITIES IDENTIFIED BY THE  
33 SUBCABINET.

34 17.

35 (A) Each local coordinating council shall include at least [1] ONE  
36 representative from:

- 1 (1) [The Mental Hygiene Administration;
- 2 (2)] The Department of Juvenile Justice;
- 3 [(3)] (2) The Developmental Disabilities Administration;
- 4 [(4)] (3) The Alcohol and Drug Abuse Administration;
- 5 [(5)] (4) The local board of education;
- 6 [(6)] (5) The local health department;
- 7 [(7)] (6) The local department of social services;
- 8 [(8)] (7) The local office of the Division of Rehabilitation Services, as
- 9 determined by the local office of the Division of Rehabilitation Services;
- 10 [(9)] (8) The local management board, as designated under § 11 of this
- 11 article; and
- 12 [(10)] (9) The local core service agency, as designated under Title 10,
- 13 Subtitle 12 of the Health - General Article.

14 (B) EXCEPT AS OTHERWISE APPROVED BY THE COUNCIL, THE CHAIRMAN

15 SHALL ROTATE ANNUALLY AMONG THE MEMBERS OF THE AGENCIES REPRESENTED

16 ON THE LOCAL COORDINATING COUNCIL.

17 (C) THE LOCAL MANAGEMENT BOARD SHALL PROVIDE ADMINISTRATIVE

18 STAFF AND SUPPORT TO THE LOCAL COORDINATING COUNCIL.

19 19.

20 (a) [The] CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS, THE

21 Council and the local coordinating councils shall develop and implement plans of care

22 for the residential placement of children with [disabilities in the State] SPECIAL

23 NEEDS.

24 (b) A local coordinating council shall:

25 (1) Accept placement referrals from the agencies represented on the local

26 coordinating council;

27 (2) [Decide] CONSISTENT WITH APPLICABLE FEDERAL AND STATE

28 LAWS, DECIDE what type of placement is needed by the child with [disabilities]

29 SPECIAL NEEDS who is referred for placement;

30 (3) Provide an interagency plan of care for [children with disabilities

31 who need residential placements] THE CHILD'S RESIDENTIAL PLACEMENT OR

32 APPROPRIATE, ALTERNATIVE, COMMUNITY-BASED SERVICES FOR THE CHILD;



1 (4) [Submit] CONSISTENT WITH POLICIES DEVELOPED BY THE  
2 SUBCABINET, SUBMIT recommended plans of care to the Council; and

3 (5) Assist the agency primarily responsible for [a disabled] THE child's  
4 care in implementing and monitoring THE residential placements.

5 [Out-Of-State Placement of Children]

6 20.1.

7 (a) The General Assembly declares that it is the policy of this State:

8 (1) To the extent that funds are available, to provide for and encourage  
9 the development of a continuum of quality education, treatment, and residential  
10 services for the children of this State;

11 (2) To serve children:

12 (i) In their homes; or

13 (ii) In the least restrictive setting most appropriate to their  
14 individual needs;

15 (3) That unless the State has determined that the individual needs of a  
16 special needs child cannot be met through additional support to the nonresidential  
17 school, home, foster home, alternative living unit, or group home, the State may not  
18 fund the placement of a child with special needs in a more restrictive setting; and

19 (4) To prevent the unnecessary placement of children with special needs  
20 in [out-of-state institutions] FACILITIES OUTSIDE OF THE CHILD'S HOME  
21 COMMUNITY.

22 (b) (1) [By December 31, 1992,] BY JULY 1, 2002, the [Office for Children,  
23 Youth, and Families] SUBCABINET, in collaboration with the Committee appointed  
24 under paragraph [(4)] (3) of this subsection, shall develop a 3-YEAR plan for  
25 [returning children with special needs in current out-of-state placements to  
26 Maryland and preventing future out-of-state placements] THE DEVELOPMENT OF  
27 COMMUNITY-BASED RESOURCES FOR CHILDREN WITH SPECIAL NEEDS AND  
28 REDUCING THE NUMBER OF CHILDREN IN PLACEMENTS OUTSIDE OF THEIR HOME  
29 COMMUNITIES.

30 (2) [Except as provided in subsections (b)(3) and (c) of this section, the  
31 plan shall have a goal of returning all children with special needs from out-of-state  
32 placements by July 1, 1997.

33 (3) The plan developed by the [Office for Children, Youth, and Families]  
34 SUBCABINET and the Committee under paragraph [(4)] (3) of this subsection shall  
35 include:

1 (i) How the State and local management boards under § 11 of this  
 2 article will develop the range and quality of services necessary for children with  
 3 special needs to receive quality services within [the State] THEIR HOME  
 4 COMMUNITIES;

5 (II) A SYSTEM FOR LOCAL AND STATE REVIEW AND MONITORING  
 6 OF RESIDENTIAL PLACEMENT RECOMMENDATIONS TO DETERMINE, UNDER STATE  
 7 AND FEDERAL LAW, WHETHER THE CHILD IS BEING PLACED IN THE LEAST  
 8 RESTRICTIVE SETTING AVAILABLE TO MEET THE CHILD'S NEEDS;

9 [(ii)] (III) Any needed changes in rate-setting and licensing;

10 [(iii)] (IV) Flexible funding strategies and resources for the  
 11 development of a broad range of services to assist in returning children with special  
 12 needs from [out-of-state placements] PLACEMENTS THAT ARE NOT COMMUNITY  
 13 BASED;

14 [(iv)] (V) The amount and sources of funds needed to implement  
 15 the plan; [and]

16 (VI) TIMELINES FOR REDUCING THE NUMBER OF CHILDREN IN  
 17 PLACEMENTS OUTSIDE OF THEIR HOME COMMUNITIES; AND

18 [(v)] (VII) Any other information or data necessary to carry out the  
 19 purposes of this section.

20 [(4)] (3) (i) The Special Secretary of the Office for Children, Youth,  
 21 and Families, through the Subcabinet, shall appoint a Committee to develop the plan.

22 (ii) The Committee shall include the FOLLOWING INDIVIDUALS OR  
 23 THEIR DESIGNEES:

- 24 1. The Secretary of Health and Mental Hygiene;
- 25 2. The Secretary of Human Resources;
- 26 3. The Secretary of Juvenile Justice;
- 27 4. The Secretary of Budget and Management;
- 28 5. The State Superintendent of Schools; [and]
- 29 6. A representative of local education agencies;
- 30 7. A REPRESENTATIVE OF LOCAL MANAGEMENT BOARDS;
- 31 AND
- 32 8. A REPRESENTATIVE OF THE CORE SERVICE AGENCIES.

33 [(5)] (4) The Special Secretary shall serve as chairperson of the  
 34 Committee.

1                    [(6)]    (5)    In developing the plan, the Committee shall consult with the  
2 following:

3                    (i)     [Representatives from local management boards designated  
4 under § 11 of this article;

5                    (ii)]    Representatives from each of the following:

6                                    1.     Local governments;

7                                    2.     Local departments of social services; [and ]

8                                    3.     Local health departments;

9                                    4.     LOCAL COORDINATING COUNCILS; AND

10                                  5.     LOCAL JUVENILE JUSTICE AREAS.

11                    [(iii)]   (II)    Parents of children with special needs;

12                    [(iv)]   (III)   Private residential and day services providers;

13                    [(v)]    (IV)    Child advocacy organizations;

14                    [(vi)]   (V)     Former consumers of special needs services who are at  
15 least 18 years of age;

16                    [(vii)]   (VI)    A representative of the Maryland Health Care  
17 Commission; and

18                    [(viii)]   (VII)   Any other person the Special Secretary deems  
19 necessary.

20        (c)    (1)     Until the plan developed under subsection (b) of this section is fully  
21 implemented, a local or State agency may approve a new out-of-state placement of  
22 any child only if:

23                    (i)     The out-of-state placement is closer in distance to the child's  
24 home than an alternative in-State placement;

25                    (ii)    An equally appropriate individualized in-State program is not  
26 available for the child, for up to 100% of the average cost per placement for all  
27 appropriate out-of-state programs for which application would be made on behalf of  
28 the child; [or]

29                    (iii)   The child is currently in detention pursuant to a court order[.];

30                    (IV)   COMPLIANCE WITH THE FEDERAL INDIVIDUALS WITH  
31 DISABILITIES EDUCATION ACT REQUIRES OUT- OF-STATE PLACEMENT; OR

1 (V) THE CHILD IS HOSPITALIZED IN AN ACUTE CARE PSYCHIATRIC  
2 HOSPITAL UNDER THE FOLLOWING CIRCUMSTANCES:

3 1. THE CHILD IS COMMITTED TO THE DEPARTMENT OF  
4 JUVENILE JUSTICE, A LOCAL DEPARTMENT OF SOCIAL SERVICES OR A DIVISION OF  
5 THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

6 2. THE CHILD'S TREATMENT TEAM HAS DETERMINED THAT  
7 THE CHILD IS READY FOR DISCHARGE OR MUST BE DISCHARGED TO A  
8 RECOMMENDED PLACEMENT WITHIN 30 DAYS; AND

9 3. THE ONLY AVAILABLE, APPROPRIATE PLACEMENT IS OUT  
10 OF STATE.

11 (2) At the time of application to the State Coordinating Council for an  
12 out-of-state placement, the referring agency, in consultation with the local  
13 coordinating council as defined in § 13 of this article, shall begin to plan for the child's  
14 return.

15 (d) Each department's funds available for out-of-home care may be used  
16 flexibly for less restrictive care, in accordance with the plan developed under  
17 subsection [(c)] (B) of this section.

18 (e) [(1)] The [Office for Children, Youth, and Families] SUBCABINET shall  
19 adopt regulations necessary to carry out the provisions of this section.

20 [(2) The regulations shall be developed in collaboration with the  
21 Committee created under subsection (b)(4) of this section and shall include:

22 (i) Schedules for returning children from out-of-state placements;

23 (ii) Schedules for preventing out-of-state placements; and

24 (iii) Any allowable exceptions.]

25 (f) The Special Secretary for Children, Youth, and Families, the Secretaries of  
26 Health and Mental Hygiene, Human Resources, Juvenile Justice, and Budget and  
27 Management, and the State Superintendent of Schools shall implement the plan  
28 developed under this section.

29 23.

30 (a) The Council consists of the following 20 members appointed by the  
31 Governor:

32 (1) The Secretary of Human Resources;

33 (2) The Secretary of Health and Mental Hygiene;

34 (3) The Secretary of [Labor, Licensing, and Regulation] BUSINESS AND  
35 ECONOMIC DEVELOPMENT;

- 1 (4) The Secretary of Budget and Management;
- 2 (5) The State Superintendent of Schools;
- 3 (6) The Special Secretary of the Office for Children, Youth, and Families;
- 4 (7) 1 member of the Senate of Maryland nominated by the President of  
5 the Senate;
- 6 (8) 1 member of the House of Delegates of Maryland nominated by the  
7 Speaker of the House;
- 8 (9) 3 persons with extensive programmatic or academic experience with  
9 pregnant or parenting adolescents and their families;
- 10 (10) 5 persons including representatives of community, parent, or  
11 religious groups or organizations who have interest or expertise in matters pertaining  
12 to adolescent pregnancy and parenting;
- 13 (11) 2 representatives of local government in areas with a significant  
14 incidence of adolescent pregnancy; and
- 15 (12) 2 student members who are high school juniors at the time of  
16 appointment, regularly enrolled and in good standing in a high school in the State.
- 17 (b) (1) The term of a member appointed pursuant to subsection (a)(9), (10), and  
18 (11) of this section shall be 3 years.
- 19 (2) The terms of the members appointed pursuant to subsection (a)(12) of  
20 this section shall be 2 years.
- 21 (3) The terms of members appointed pursuant to subsection (a)(9), (10),  
22 (11), and (12) of this section shall be staggered.
- 23 (4) At the end of a term, a member shall continue to serve until a  
24 successor is appointed and qualifies.
- 25 (5) A member who is appointed pursuant to subsection (a)(9), (10), (11),  
26 or (12) of this section after a term has begun shall serve only for the rest of the term  
27 or until a successor is appointed.
- 28 (c) The Governor shall appoint a successor in the event of a vacancy on the  
29 Council.
- 30 (d) A member of the Council:
- 31 (1) May not receive compensation; but
- 32 (2) Is entitled to reimbursement for reasonable expenses incurred in the  
33 performance of Council duties, in accordance with Standard State Travel Regulations  
34 and as provided in the State budget.

1 (e) From among the members of the Council, the Governor shall designate a  
2 chairman for a 2-year term.

3 28.

4 Except as OTHERWISE provided in [§ 6 of] this article, the Office may not  
5 operate any programs or provide any direct services.

6 MARYLAND SCHOOL-BASED HEALTH CENTER POLICY ADVISORY COUNCIL

7 40.

8 (A) IN THIS SUBHEADING THE FOLLOWING WORDS HAVE THE MEANINGS  
9 INDICATED.

10 (B) "COUNCIL" MEANS THE MARYLAND SCHOOL-BASED HEALTH CENTER  
11 POLICY ADVISORY COUNCIL.

12 41.

13 (A) THERE IS A MARYLAND SCHOOL-BASED HEALTH CENTER POLICY  
14 ADVISORY COUNCIL.

15 (B) THE COUNCIL SHALL BE INDEPENDENT AND LOCATED IN THE OFFICE  
16 FOR CHILDREN, YOUTH, AND FAMILIES FOR BUDGETARY AND ADMINISTRATIVE  
17 PURPOSES ONLY.

18 42.

19 (A) THE COUNCIL SHALL CONSIST OF THE FOLLOWING 21 MEMBERS  
20 APPOINTED BY THE GOVERNOR:

21 (1) THE SPECIAL SECRETARY OF THE OFFICE FOR CHILDREN, YOUTH,  
22 AND FAMILIES;

23 (2) THE STATE SUPERINTENDENT OF SCHOOLS;

24 (3) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;

25 (4) THE SECRETARY OF JUVENILE JUSTICE;

26 (5) THE SECRETARY OF HUMAN RESOURCES;

27 (6) THE SECRETARY OF BUDGET AND MANAGEMENT;

28 (7) ONE MEMBER OF THE SENATE OF MARYLAND NOMINATED BY THE  
29 PRESIDENT OF THE SENATE;

30 (8) ONE MEMBER OF THE HOUSE OF DELEGATES OF MARYLAND  
31 NOMINATED BY THE SPEAKER OF THE HOUSE;

1 (9) ONE INDIVIDUAL WITH EXPERIENCE OR EXPERTISE WITH ;THE  
2 MARYLAND MEDICAL ASSISTANCE PROGRAM;

3 (10) ONE LOCAL HEALTH OFFICER;

4 (11) ONE LOCAL SUPERINTENDENT OF SCHOOLS;

5 (12) THREE INDIVIDUALS FROM LOCAL JURISDICTIONS;

6 (13) THREE INDIVIDUALS WHO REPRESENT COMMUNITY LEADERS FROM  
7 THE YOUTH SERVING ORGANIZATIONS AND FAITH COMMUNITIES THAT HAVE  
8 EXPERIENCE OR EXPERTISE WITH THE SERVICES OFFERED IN SCHOOL-BASED  
9 HEALTH CENTERS; AND

10 (14) FOUR CONSUMERS OF SCHOOL-BASED HEALTH CARE INCLUDING  
11 STUDENTS AND THEIR PARENTS.

12 (B) IN MAKING THE APPOINTMENTS REQUIRED UNDER THIS SECTION, THE  
13 GOVERNOR SHALL ENSURE THAT THE COUNCIL IS REPRESENTATIVE OF:

14 (1) THE GEOGRAPHIC REGIONS OF THE STATE; AND

15 (2) MINORITY POPULATIONS OF THE STATE.

16 (C) (1) THE TERM OF A MEMBER APPOINTED PURSUANT TO SUBSECTION (A)  
17 OF THIS SECTION IS 3 YEARS.

18 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE  
19 TERMS PROVIDED FOR MEMBERS OF THE COUNCIL ON OCTOBER 1, 2001.

20 (3) AT THE END OF A TERM, A MEMBER SHALL CONTINUE TO SERVE  
21 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

22 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SHALL  
23 SERVE FOR THE REST OF THE TERM OR UNTIL A SUCCESSOR IS APPOINTED AND  
24 QUALIFIES.

25 (D) THE GOVERNOR SHALL APPOINT A SUCCESSOR IN THE EVENT OF A  
26 VACANCY ON THE COMMISSION.

27 (E) FROM AMONG THE MEMBERS OF THE COUNCIL, THE GOVERNOR SHALL  
28 DESIGNATE A CHAIRMAN FOR A 2-YEAR TERM.

29 (F) A MEMBER OF THE COUNCIL:

30 (1) MAY NOT RECEIVE COMPENSATION; BUT

31 (2) IS ENTITLED TO REIMBURSEMENT FOR REASONABLE EXPENSES  
32 INCURRED IN THE PERFORMANCE OF COUNCIL DUTIES, IN ACCORDANCE WITH  
33 STANDARD STATE TRAVEL REGULATIONS, AND AS PROVIDED IN THE STATE BUDGET.

1 43.

2 (A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE COUNCIL IS A  
3 QUORUM.

4 (B) THE COUNCIL SHALL DETERMINE THE TIMES AND PLACES OF ITS  
5 MEETINGS AND ANY OTHER NECESSARY OPERATING PROCEDURES WHICH MAY  
6 INCLUDE THE ESTABLISHMENT OF SUBCOMMITTEES, CONSULTANT PANELS, OR  
7 WORK GROUPS UTILIZING THE EXPERTISE OF NONCOUNCIL AND NONPANEL  
8 MEMBERS.

9 44.

10 (A) THE PURPOSE OF THE COUNCIL IS TO COORDINATE THE INTERAGENCY  
11 EFFORT TO DEVELOP, SUSTAIN, AND PROMOTE QUALITY SCHOOL-BASED HEALTH  
12 CENTERS IN MARYLAND.

13 (B) IN CONSULTATION WITH APPROPRIATE STATE AGENCIES AND OTHER  
14 INTEREST ORGANIZATIONS, INCLUDING REPRESENTATIVES FROM ACADEMIC  
15 INSTITUTIONS, HEALTH CARE PROVIDERS, AND PAYORS, THE COUNCIL SHALL:

16 (1) DEVELOP A STATEWIDE DATA COLLECTION SYSTEM;

17 (2) MONITOR THE ACTIVITIES AND RANGE OF SERVICES OF THE  
18 SCHOOL-BASED HEALTH CENTERS;

19 (3) RECOMMEND LEGISLATIVE INITIATIVES;

20 (4) DEVELOP AND UPDATE A COMPENDIUM OF TECHNICAL ASSISTANCE  
21 EXPERTS THAT WILL BE USED AS REFERENCE WHEN LOCAL REQUESTS FOR  
22 ASSISTANCE COME TO THE STATE;

23 (5) MONITOR THE DEVELOPMENT OF NOTIFICATIONS OF AVAILABLE  
24 FUNDS;

25 (6) PARTICIPATE IN THE REVIEW OF GRANTS TO LOCAL JURISDICTIONS  
26 FOR THE DEVELOPMENT OF SCHOOL-BASED HEALTH CARE PROGRAMS;

27 (7) DEVELOP STRATEGIES FOR FUNDING AND REIMBURSEMENT OF  
28 CARE DELIVERED IN SCHOOL-BASED HEALTH CENTERS;

29 (8) DEVELOP A CONSISTENT OUTCOME MEASUREMENT TOOL TO BE  
30 USED BY ALL SCHOOL-BASED HEALTH CENTERS IN THE STATE AND ASSESS THE  
31 PROGRESS OF ALL SCHOOL-BASED HEALTH CENTERS BASED ON THE INFORMATION  
32 COLLECTED;

33 (9) ESTABLISH STANDARDS OF PRACTICE WITHIN SCHOOL-BASED  
34 HEALTH CENTERS;

35 (10) ENCOURAGE THE DEVELOPMENT OF MODELS OF EXCELLENCE IN  
36 SCHOOL-BASED HEALTH CENTERS;



1 (11) PREPARE AN ANNUAL REPORT TO THE SUBCABINET; AND

2 (12) PERFORM OTHER ACTIVITIES IDENTIFIED THAT IMPACT ON THE  
3 DEVELOPMENT, SUSTAINABILITY, OR QUALITY OF SCHOOL-BASED HEALTH CARE IN  
4 MARYLAND.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2001.