

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL NO. 1386

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after “members;” insert “extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Office;”; in line 17, after the second “definitions;” insert “providing for the termination of this Act;”; in line 22, strike “29” and substitute “20.1(b)”; and in line 28, strike “and 28” and substitute “28, and 29”.

AMENDMENT NO. 2

On page 2, after line 6, insert:

“BY repealing and reenacting, with amendments,

Article - State Government

Section 8-403(b)(12)

Annotated Code of Maryland

(1999 Replacement Volume and 2001 Supplement)”;

and in line 8, strike “29” and substitute “20.1(b)”.

AMENDMENT NO. 3

On page 2, in line 31, after the bracket insert “FOR CHILDREN”.

AMENDMENT NO. 4

On page 3, in line 27, after the bracket insert “, INCLUDING FUNDS THAT MAY BE PAYABLE AS INCENTIVES UNDER THE COMMUNITY PARTNERSHIP AGREEMENTS”.

AMENDMENT NO. 5

On page 4, in line 26, strike “and”; and in line 28, after “services” insert “; AND”.

(Over)

(5) ENTER INTO COMMUNITY PARTNERSHIP AGREEMENTS AS DEFINED IN § 4.2 OF THIS ARTICLE THAT:

(I) PROVIDE FOR THE USE OF MONEYS FROM THE SUBCABINET FUND TO SUPPORT SERVICES UNDER THE COMMUNITY PARTNERSHIP AGREEMENT DESIGNED TO:

1. PREVENT UNNECESSARY OUT-OF-HOME PLACEMENT OF CHILDREN, CONSISTENT WITH §§ 20.1 AND 38 OF THIS ARTICLE; AND

2. IMPLEMENT OTHER INITIATIVES APPROVED BY THE SUBCABINET; AND

(II) INCORPORATE REQUIREMENTS ESTABLISHED BY THE SUBCABINET FOR THE ADMINISTRATION AND DELIVERY OF SERVICES SUPPORTED BY THE SUBCABINET FUND”.

AMENDMENT NO. 6

On page 5 in line 28, and on page 6 in line 19, in each instance, after “CARE” insert “, AS DEFINED IN § 5-501 OF THE FAMILY LAW ARTICLE”.

On page 5, in line 30, strike “AGENCY”; in line 32, strike “AGENCY” and substitute “MEMBER”; and in line 34, strike “THE” and substitute “A MEMBER”.

On page 6, in line 8, after the second “Council” insert “FOR CHILDREN”; in line 13, after “HOSPITAL” insert “, UNDER CIRCUMSTANCES DESCRIBED IN SUBCABINET REGULATIONS”; in line 14, strike “OR”; and in line 15, after “SCHOOL” insert “; OR

(IV) OTHER OUT-OF-HOME PLACEMENTS AS SPECIFIED IN SUBCABINET REGULATIONS”.

On page 8, in lines 2 and 3, strike “THE SUBCABINET PLAN DEVELOPED UNDER § 20.1(B) OF THIS SUBTITLE” and substitute “A PLAN DEVELOPED BY THE SUBCABINET”.

AMENDMENT NO. 7

On page 8, in line 30, strike “OR” and substitute a comma; and in the same line, after “ADVOCATE” insert “, OR BOTH.”

AMENDMENT NO. 8

On page 9, in lines 17, 21, and 23, in each instance, strike the brackets; in lines 25 and 26, strike “CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS;”; and in line 28, strike the semicolon and substitute “AS FOLLOWS”:

(I) REVIEW RESIDENTIAL PLACEMENTS RECOMMENDED IN ACCORDANCE WITH THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT OR FEDERAL MEDICAID REQUIREMENTS, FOR THE PURPOSE OF PROVIDING TECHNICAL ASSISTANCE TO THE LEAD AGENCY REGARDING THE AVAILABILITY OF COMMUNITY-BASED RESOURCES TO SERVE THE CHILD IN THE LEAST RESTRICTIVE ENVIRONMENT DETERMINED TO BE APPROPRIATE BY THE LEAD AGENCY;

(II) REVIEW AND APPROVE OTHER RECOMMENDED RESIDENTIAL PLACEMENTS, AS DEFINED IN § 13 OF THIS ARTICLE; AND

(III) REVIEW RECOMMENDED OUT-OF-STATE PLACEMENTS AND REFER THE RECOMMENDATIONS TO THE STATE COORDINATING COUNCIL;”.

AMENDMENT NO. 9

On page 10, in line 11, strike “IN NEED OF RESIDENTIAL PLACEMENT” and substitute “WITH SPECIAL NEEDS”.

AMENDMENT NO. 10

On pages 10 through 15, strike in their entirety the lines beginning with line 18 on page 10 through line 9 on page 15, inclusive.

On page 15 in line 10, and on page 16 in lines 1, 5, and 12, strike “(G)”, “(H)”, “(I)”, and “(J)”, respectively, and substitute “(B)”, “(C)”, “(D)”, and “(E)”, respectively.

(Over)

AMENDMENT NO. 11

On page 16, strike beginning with “under” in line 2 down through “section” in line 4 and substitute “BY THE SUBCABINET”; in line 6, after “section” insert “, INCLUDING REGULATIONS ESTABLISHING:

- (1) ELIGIBILITY REQUIREMENTS;
- (2) SERVICE PRIORITIES;
- (3) PROCEDURES FOR FAMILIES TO ACCESS SERVICES;
- (4) REQUIREMENTS FOR DETERMINING ANY PARENTAL CONTRIBUTION TO THE COST OF SERVICES; AND
- (5) PARENTAL APPEAL PROCEDURES”;

in line 15, strike “SUBCABINET”; in the same line, before “under” insert an opening bracket; and in the same line, after “section” insert “[BY THE SUBCABINET”.

AMENDMENT NO. 12

On page 17, after line 30, insert:

“29.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this article and all rules and regulations adopted under this article shall terminate and be of no effect after July 1, [2004] 2005.”.

On page 21, after line 6, insert:

“Article - State Government

8-403.

(b) Except as otherwise provided in subsection (a) of this section, on or before the evaluation date for the following governmental activities or units, an evaluation shall be made of the following governmental activities or units and the statutes and regulations that relate to the governmental activities or units:

(12) Children, Youth, and Families, Office for (Article 49D, § 1 of the Code: July 1, [2003] 2004);”.

AMENDMENT NO. 13

On page 21, after line 12, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) By July 1, 2003, the Subcabinet, in collaboration with the Committee appointed under subsection (e) of this section, shall develop a plan for:

(1) improving access to services for children with intensive needs;

(2) developing community-based resources for children with intensive needs and children at risk of residential placement; and

(3) reducing the number of children in placements outside of their home communities.

(b) Implementation of the Subcabinet plan shall be subject to the availability of additional funding through implementation of financing strategies identified in the plan or other funding sources.

(c) The plan developed by the Subcabinet under subsection (b) of this section shall include:

(1) timelines for development and implementation of the elements of the plan;

(Over)

(2) minimum standards for parent information and referral services in each jurisdiction that:

(i) provide assistance to parents to:

1. determine a child's need for services, including interagency screening and assessment as appropriate;

2. refer children to available public and private resources to meet those needs; and

3. refer children to the local coordinating council, consistent with item (3)(iii) and (iv) of this subsection; and

(ii) may be provided by local jurisdictions utilizing and supplementing existing capacity, consistent with the Subcabinet's standards;

(3) the identification of core functions to be performed by the local coordinating council, including:

(i) collection and reporting of information regarding children with intensive needs and children in need of residential placement, including:

1. specific data to be collected; and

2. requirements for reporting to the Subcabinet;

(ii) coordinated case management subject to available funding, provided through:

1. existing agency case management services; or

2. where no current case management services are available for a

child, the local management board or other entity designated by the jurisdiction;

(iii) the provision of community-based, interagency services to children with intensive needs, to the extent that:

1. the services are consistent with federal and State laws;
2. the services supplement existing agency resources; and
3. funding is available to provide the supplemental services; and

(iv) review of recommendations to place children in residential placements, in accordance with Article 49D, § 19(b) of the Code;

(4) identification of local public agencies and community representatives to participate in the development of the local plan required in subsection (e) of this section;

(5) a process for the resolution of disputes among local agencies represented on the local coordinating council regarding the funding or provision of services to a child;

(6) consideration of financing strategies to fund the implementation of local plans, including:

(i) a special case rate reimbursement system for children with intensive needs in at least one jurisdiction;

(ii) the identification of specific strategies to maximize federal funding of community-based services and the effective use of State flexible funds;

(iii) requirements for accessing private resources of families to contribute to the cost of services to children with intensive needs, to the extent that:

1. the use of private resources is permitted by federal law; and

(Over)

2. the contribution is consistent with the family's ability to share in the cost of services without undue financial hardship to the family; and

(iv) in collaboration with the Insurance Commissioner, a study of the role of the private insurance industry in meeting the needs of children with intensive needs; and

(7) a protocol for an outcome-based evaluation of the implementation of the above measures.

(d) (1) Within 1 year of the completion of the Subcabinet plan, each local jurisdiction shall submit to the Subcabinet a local plan to implement the elements of the Subcabinet's plan described in subsection (a) of this section.

(2) The plan shall include:

(i) recommendations to achieve the core functions and standards established by the Subcabinet;

(ii) timelines for implementation of those measures, subject to the availability of funding;

(iii) performance standards consistent with the Subcabinet's evaluation protocol;

(iv) an estimate of the costs of implementing the local plan; and

(v) recommended fiscal strategies to fund expanded services.

(3) The local management board shall:

(i) coordinate development of the local plan with local public agencies and community representatives; and

(ii) submit the local plan to the Subcabinet for approval.

(4) Implementation of local plans shall be subject to the availability of additional funds, consistent with this section.

(e) (1) The Special Secretary for Children, Youth, and Families, through the Subcabinet, shall appoint a Committee to develop the Subcabinet plan.

(2) The Committee shall include the following individuals or the individual's designees:

(i) the Secretary of Health and Mental Hygiene;

(ii) the Secretary of Human Resources;

(iii) the Secretary of Juvenile Justice;

(iv) the Secretary of Budget and Management;

(v) the State Superintendent of Schools;

(vi) a representative of local education agencies; and

(vii) a representative of local management boards.

(3) The Special Secretary shall serve as chairperson of the Committee.

(4) In developing the plan, the Committee shall consult with the following:

(i) representatives from each of the following:

1. local governments;

2. local departments of social services;

3. local health departments;
 4. local coordinating councils;
 5. local juvenile justice areas;
 6. core service agencies; and
 7. Developmental Disabilities Administration regional offices;
- (ii) parents of children with special needs;
 - (iii) private residential and day services providers;
 - (iv) child advocacy organizations;
 - (v) former consumers of special needs services who are at least 18 years
of age;
 - (vi) a representative of the Maryland Health Care Commission; and
 - (vii) any other person the Special Secretary deems necessary.

(f) The Subcabinet plan shall be submitted to the Governor and the General Assembly and published in the Maryland Register.”.

On page 21, in line 13, strike “4.” and substitute “5.”.

AMENDMENT NO. 14

On page 21, in line 14, strike “October” and substitute “July”; and in the same line, after “2002.” insert “It shall remain effective for a period of 3 years and, at the end of June 30, 2005, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.