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

Introduced and read first time: February 25, 2002

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering the units that are included in the Office for Children,
4 Youth, and Families; requiring the Special Secretary for Children, Youth, and
5 Families to adopt certain regulations concerning local management boards;
6 altering the method for designating the chair of the State Coordinating Council;
7 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; staggering the terms of the members; defining certain terms; repealing
17 certain definitions; altering certain definitions; making certain stylistic and
18 technical changes; and generally relating to the Office for Children, Youth, and
19 Families.

20 BY repealing

21 Article 49D - Office for Children, Youth, and Families
22 Section 5, 8, 9, and 29 and the subheading designation "Out-of-State Placement
23 of Children" immediately preceding Section 20
24 Annotated Code of Maryland
25 (1998 Replacement Volume and 2001 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article 49D - Office for Children, Youth, and Families
28 Section 1, 4.2, 4.3, 11, 13, 15, 16, 17, 19, 20.1, 23, and 28
29 Annotated Code of Maryland
30 (1998 Replacement Volume and 2001 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 2001 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 designation
9 "Out-of-State Placement of Children" immediately preceding Section 20 of Article
10 49D - Office for Children, Youth, and Families of the Annotated Code of Maryland be
11 repealed.

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

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

15 1.

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

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

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

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

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

28 (2) Children's councils;

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

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

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

34 (4) THE STATE COUNCIL ON CHILD ABUSE AND NEGLECT ESTABLISHED
35 UNDER § 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 RELATING
8 TO THE 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] COMMUNITY PARTNERSHIP 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] MAINTAIN
8 a statewide system of interagency budgeting and funding [to be fully implemented by
9 fiscal year 1998]. As part of this system, the Subcabinet shall:

10 (1) [Establish] MAINTAIN 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, WITH THE APPROVAL OF 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 13.

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

23 (B) (1) "CHILD IN NEED OF OUT-OF-STATE PLACEMENT" MEANS A CHILD
24 WHO IS RECOMMENDED BY A MEMBER AGENCY OF THE LOCAL COORDINATING
25 COUNCIL FOR PLACEMENT IN AN OUT-OF-HOME PLACEMENT OUTSIDE OF THE
26 STATE.

27 (2) "CHILD IN NEED OF OUT-OF-STATE PLACEMENT" DOES NOT
28 INCLUDE A CHILD PLACED IN FOSTER CARE.

29 (C) "CHILD IN NEED OF RESIDENTIAL PLACEMENT" MEANS A CHILD:

30 (1) WHO IS RECOMMENDED BY A MEMBER AGENCY OF THE LOCAL
31 COORDINATING COUNCIL FOR RESIDENTIAL PLACEMENT;

32 (2) ON WHOSE BEHALF THE AGENCY SEEKS STATE FUNDING FOR THE
33 PLACEMENT; AND

34 (3) WHO THE AGENCY HAS DETERMINED MEETS ELIGIBILITY CRITERIA
35 FOR A STATE-FUNDED PLACEMENT.

1 (D) "CHILD WITH INTENSIVE NEEDS" MEANS A CHILD WHO HAS BEHAVIORAL,
2 EDUCATIONAL, DEVELOPMENTAL, OR MENTAL HEALTH NEEDS THAT CANNOT BE
3 MET THROUGH AVAILABLE PUBLIC AGENCY RESOURCES BECAUSE:

4 (1) THE CHILD'S NEEDS EXCEED THE RESOURCES OF A SINGLE PUBLIC
5 AGENCY; AND

6 (2) THERE IS NO LEGALLY MANDATED FUNDING SOURCE TO MEET THE
7 CHILD'S NEEDS.

8 [(b)] (E) "Council" means the State Coordinating Council.

9 [(c)] (F) "Local coordinating council" means a local [coordinating] council [for
10 residential placement of children with disabilities] THAT COORDINATES SERVICES
11 FOR CHILDREN DESCRIBED IN SUBSECTIONS (C) AND (D) OF THIS SECTION.

12 (G) (1) "RESIDENTIAL PLACEMENT" MEANS A PLACEMENT IN:

13 (I) A HOSPITAL;

14 (II) A RESIDENTIAL TREATMENT CENTER; OR

15 (III) A RESIDENTIAL SCHOOL.

16 (2) "RESIDENTIAL PLACEMENT" DOES NOT INCLUDE A PLACEMENT IN:

17 (I) A FACILITY ESTABLISHED UNDER ARTICLE 83C, § 2-117 OF THE
18 CODE; OR

19 (II) FOSTER CARE.

20 15.

21 (a) The members of the Council are:

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

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

25 (3) The State Superintendent of Schools or the Superintendent's
26 designee;

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

29 (5) The Special Secretary [of the Office] for Children, Youth, and
30 Families or the Special Secretary's designee; and

31 (6) The Secretary of [the Department of] Juvenile Justice or the
32 Secretary's designee.

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

3 (2) [The Secretary of Health and Mental Hygiene is the chairman of the
4 Council for a term of 12 consecutive months beginning on July 1, 1987. The Secretary
5 of Human Resources shall succeed the Secretary of Health and Mental Hygiene as
6 chairman for a term of 12 consecutive months, the Secretary of the Department of
7 Juvenile Justice shall succeed the Secretary of Human Resources for a term of 12
8 consecutive months, the State Superintendent of Schools shall succeed the Secretary
9 of the Department of Juvenile Justice for a term of 12 consecutive months and the
10 Special Secretary of the Office for Children, Youth, and Families shall succeed the
11 State Superintendent of Schools for a term of 12 consecutive months.

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

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

19 16.

20 The Council shall:

21 (1) Establish AND OVERSEE a local coordinating council [for residential
22 placement of children with disabilities] in each county, and Baltimore City, in the
23 State;

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

25 (3) Periodically review the residential placement decision procedures of
26 the local [coordinating] councils for children [with disabilities] IN NEED OF
27 RESIDENTIAL PLACEMENT;

28 (4) [Receive and review] REVIEW recommendations for STATE FUNDING
29 OF the individual placement of [children with disabilities in residential programs
30 submitted by the local coordinating councils] A CHILD IN NEED OF OUT-OF-STATE
31 PLACEMENT;

32 (5) [Assure] MONITOR LOCAL COORDINATING COUNCILS TO ENSURE
33 that the local [coordinating] councils consider all alternatives for the provision of
34 services to children [with disabilities] and their families in the community;

35 (6) Plan and coordinate with the local coordinating councils concerning:

36 (I) [the] THE adequate provision of multiple agency services to
37 children [with disabilities requiring] IN NEED OF residential placement; AND

1 (II) ENHANCED SERVICES TO CHILDREN WITH INTENSIVE NEEDS,
2 SUBJECT TO THE AVAILABILITY OF FUNDING AND IN ACCORDANCE WITH THE
3 SUBCABINET PLAN DEVELOPED UNDER § 20.1(B) OF THIS SUBTITLE;

4 (7) In cooperation with the local [coordinating] councils, monitor the
5 services being provided to children placed in residential programs;

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

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

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

12 (11) PERFORM OTHER RELATED ACTIVITIES IDENTIFIED BY THE
13 SUBCABINET.

14 17.

15 (A) Each local coordinating council shall include:

16 (1) [at] AT least [1] ONE representative from:

17 [(1) The Mental Hygiene Administration;

18 (2)] (I) The Department of Juvenile Justice;

19 [(3)] (II) The Developmental Disabilities Administration;

20 [(4)] (III) The Alcohol and Drug Abuse Administration;

21 [(5)] (IV) The local board of education;

22 [(6)] (V) The local health department;

23 [(7)] (VI) The local department of social services;

24 [(8)] (VII) The local office of the Division of Rehabilitation Services[, as
25 determined by the local office of the Division of Rehabilitation Services];

26 [(9)] (VIII) The local management board, as designated under § 11 of this
27 article; and

28 [(10)] (IX) The local core service agency, as designated under Title 10,
29 Subtitle 12 of the Health - General Article; AND

30 (2) A PARENT OR PARENT ADVOCATE APPOINTED BY THE CHAIRMAN OF
31 THE LOCAL COORDINATING COUNCIL IN CONSULTATION WITH THE CHILD
32 ADVOCACY COMMUNITY.

1 (B) THE LOCAL COORDINATING COUNCIL SHALL SELECT ITS CHAIRMAN BY:

2 (1) ROTATING THE CHAIRMANSHIP ANNUALLY AMONG THE MEMBERS
3 OF THE AGENCIES REPRESENTED ON THE LOCAL COORDINATING COUNCIL; OR

4 (2) APPOINTING THE LOCAL MANAGEMENT BOARD'S DESIGNEE TO THE
5 LOCAL COORDINATING COUNCIL AS ITS CHAIR.

6 (C) (1) THE LOCAL COORDINATING COUNCIL SHALL BE PART OF THE LOCAL
7 MANAGEMENT BOARD FOR ADMINISTRATIVE AND BUDGETARY PURPOSES.

8 (2) SUBJECT TO THE AVAILABILITY OF FUNDING, THE LOCAL
9 MANAGEMENT BOARD SHALL PROVIDE ADMINISTRATIVE STAFF AND SUPPORT TO
10 THE LOCAL COORDINATING COUNCIL.

11 (3) THE LOCAL COORDINATING COUNCIL SHALL BE INDEPENDENT OF
12 THE LOCAL MANAGEMENT BOARD IN ITS DECISIONS REGARDING INDIVIDUAL PLANS
13 OF CARE FOR CHILDREN AND POLICY RECOMMENDATIONS REGARDING SERVICES TO
14 CHILDREN.

15 19.

16 (a) [The] CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS, THE
17 Council and the local [coordinating] councils shall develop and implement plans of
18 care for the residential placement of children [with disabilities in the State] IN NEED
19 OF RESIDENTIAL PLACEMENT AND CHILDREN IN NEED OF OUT-OF-STATE
20 PLACEMENT.

21 (b) A local [coordinating] council shall:

22 (1) Accept placement referrals from the agencies represented on the local
23 [coordinating] council;

24 (2) [Decide what type of placement is needed by the child with
25 disabilities who is referred for placement] CONSISTENT WITH APPLICABLE FEDERAL
26 AND STATE LAWS, REVIEW RECOMMENDATIONS FOR THE RESIDENTIAL PLACEMENT
27 OF CHILDREN REFERRED TO THE LOCAL COORDINATING COUNCIL IN ACCORDANCE
28 WITH THIS SECTION;

29 (3) Provide an interagency plan of care for [children with disabilities
30 who need residential placements] THE CHILD'S RESIDENTIAL PLACEMENT OR
31 APPROPRIATE, ALTERNATIVE, COMMUNITY-BASED SERVICES FOR THE CHILD;

32 (4) [submit] CONSISTENT WITH REGULATIONS ADOPTED BY THE
33 SUBCABINET, SUBMIT recommended plans of care to the Council; and

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

1 20.1.

2 (a) The General Assembly declares that [it is] the policy of this State IS:

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

6 (2) To serve children:

7 (i) In their homes; or

8 (ii) In the least restrictive setting most appropriate to their
9 individual needs;

10 (3) That unless the State has determined that the individual needs of a
11 [special needs] child IN NEED OF RESIDENTIAL PLACEMENT cannot be met through
12 additional support to the HOME, nonresidential school, [home,] foster home,
13 alternative living unit, or group home, the State may not fund the CHILD'S placement
14 [of a child with special needs] in a more restrictive setting; and

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

18 (b) [(1)] By [December 31, 1992] JULY 1, 2003, the [Office for Children, Youth,
19 and Families] SUBCABINET, in collaboration with the Committee appointed under
20 [paragraph (4) of this subsection] SUBSECTION (F) OF THIS SECTION, shall develop a
21 plan for [returning children with special needs in current out-of-state placements to
22 Maryland and preventing future out-or-state placements.]:

23 [(2)] Except as provided in subsection (b)(3) and (c) of this section, the plan
24 shall have a goal or returning all children with special needs from out-of-state
25 placements by July 1, 1997.

26 (3) The plan developed by the Office for Children, Youth, and Families
27 and the Committee under paragraph (4) of this subsection shall include:

28 (i) How the State and local management boards under Section 11
29 of this article will develop the range and quality of services necessary for children
30 with special needs to receive quality services within the State;

31 (ii) Any needed changes in rate-setting and licensing;

32 (iii) Flexible funding strategies and resources for the development of
33 a broad range of services to assist in returning children with special needs from
34 out-of-state placements;

35 (iv) The amount and sources of funds needed to implement the plan;
36 and

1 (v) any other information or data necessary to carry out the
2 purposes of this section.]

3 (1) IMPROVING ACCESS TO SERVICES FOR CHILDREN WITH INTENSIVE
4 NEEDS;

5 (2) DEVELOPING COMMUNITY-BASED RESOURCES FOR CHILDREN WITH
6 INTENSIVE NEEDS AND CHILDREN AT RISK OF RESIDENTIAL PLACEMENT; AND

7 (3) REDUCING THE NUMBER OF CHILDREN IN PLACEMENTS OUTSIDE OF
8 THEIR HOME COMMUNITIES.

9 (C) IMPLEMENTATION OF THE SUBCABINET PLAN SHALL BE SUBJECT TO THE
10 AVAILABILITY OF ADDITIONAL FUNDING THROUGH IMPLEMENTATION OF
11 FINANCING STRATEGIES IDENTIFIED IN THE PLAN OR OTHER FUNDING SOURCES.

12 (D) THE PLAN DEVELOPED BY THE SUBCABINET UNDER SUBSECTION (B) OF
13 THIS SECTION SHALL INCLUDE:

14 (1) TIMELINES FOR DEVELOPMENT AND IMPLEMENTATION OF THE
15 ELEMENTS OF THE PLAN;

16 (2) MINIMUM STANDARDS FOR PARENT INFORMATION AND REFERRAL
17 SERVICES IN EACH JURISDICTION THAT:

18 (I) PROVIDE ASSISTANCE TO PARENTS TO:

19 1. DETERMINE A CHILD'S NEED FOR SERVICES, INCLUDING
20 INTERAGENCY SCREENING AND ASSESSMENT AS APPROPRIATE;

21 2. REFER CHILDREN TO AVAILABLE PUBLIC AND PRIVATE
22 RESOURCES TO MEET THOSE NEEDS; AND

23 3. REFER CHILDREN TO THE LOCAL COORDINATING
24 COUNCIL, CONSISTENT WITH ITEM (3)(III) AND (IV) OF THIS SUBSECTION; AND

25 (II) MAY BE PROVIDED BY LOCAL JURISDICTIONS UTILIZING AND
26 SUPPLEMENTING EXISTING CAPACITY, CONSISTENT WITH THE SUBCABINET'S
27 STANDARDS;

28 (3) THE IDENTIFICATION OF CORE FUNCTIONS TO BE PERFORMED BY
29 THE LOCAL COORDINATING COUNCIL, INCLUDING:

30 (I) COLLECTION AND REPORTING OF INFORMATION REGARDING
31 CHILDREN WITH INTENSIVE NEEDS AND CHILDREN IN NEED OF RESIDENTIAL
32 PLACEMENT, INCLUDING:

33 1. SPECIFIC DATA TO BE COLLECTED; AND

34 2. REPORTING REQUIREMENTS TO THE SUBCABINET;

1 (II) COORDINATED CASE MANAGEMENT SUBJECT TO AVAILABLE
2 FUNDING, PROVIDED THROUGH:

- 3 1. EXISTING AGENCY CASE MANAGEMENT SERVICES; OR
4 2. WHERE NO CURRENT CASE MANAGEMENT SERVICES ARE
5 AVAILABLE FOR A CHILD, THE LOCAL MANAGEMENT BOARD OR OTHER ENTITY
6 DESIGNATED BY THE JURISDICTION;

7 (III) THE PROVISION OF COMMUNITY-BASED, INTERAGENCY
8 SERVICES TO CHILDREN WITH INTENSIVE NEEDS, TO THE EXTENT THAT:

- 9 1. THE SERVICES ARE CONSISTENT WITH FEDERAL AND
10 STATE LAWS;
11 2. THE SERVICES SUPPLEMENT EXISTING AGENCY
12 RESOURCES; AND
13 3. FUNDING IS AVAILABLE TO PROVIDE THE SUPPLEMENTAL
14 SERVICES; AND

15 (IV) REVIEW OF RECOMMENDATIONS TO PLACE CHILDREN IN
16 RESIDENTIAL PLACEMENTS, INCLUDING:

17 1. EXPEDITED REVIEW OF RESIDENTIAL PLACEMENTS
18 RECOMMENDED IN ACCORDANCE WITH THE FEDERAL INDIVIDUALS WITH
19 DISABILITIES EDUCATION ACT OR FEDERAL MEDICAID REQUIREMENTS, IF:

20 A. THE LEAD AGENCY HAS DETERMINED THAT THE
21 RECOMMENDED RESIDENTIAL PLACEMENT IS THE LEAST RESTRICTIVE
22 ENVIRONMENT THAT IS EDUCATIONALLY OR MEDICALLY APPROPRIATE FOR THE
23 CHILD; AND

24 B. THE LEAD AGENCY HAS IDENTIFIED AN AVAILABLE
25 RESIDENTIAL PROGRAM IN WHICH TO PLACE THE CHILD;

26 2. FULL REVIEW OF OTHER RECOMMENDED RESIDENTIAL
27 PLACEMENTS; AND

28 3. REVIEW AND REFERRAL OF RECOMMENDED
29 OUT-OF-STATE PLACEMENTS TO THE STATE COORDINATING COUNCIL;

30 (4) IDENTIFICATION OF LOCAL PUBLIC AGENCIES AND COMMUNITY
31 REPRESENTATIVES TO PARTICIPATE IN THE DEVELOPMENT OF THE LOCAL PLAN
32 REQUIRED IN SUBSECTION (E) OF THIS SECTION;

33 (5) A PROCESS FOR THE RESOLUTION OF DISPUTES AMONG LOCAL
34 AGENCIES REPRESENTED ON THE LOCAL COORDINATING COUNCIL REGARDING THE
35 FUNDING OR PROVISION OF SERVICES TO A CHILD;

1 (6) CONSIDERATION OF FINANCING STRATEGIES TO FUND THE
2 IMPLEMENTATION OF LOCAL PLANS, INCLUDING:

3 (I) A SPECIAL CASE RATE REIMBURSEMENT SYSTEM FOR
4 CHILDREN WITH INTENSIVE NEEDS IN AT LEAST ONE JURISDICTION;

5 (II) THE IDENTIFICATION OF SPECIFIC STRATEGIES TO MAXIMIZE
6 FEDERAL FUNDING OF COMMUNITY-BASED SERVICES AND THE EFFECTIVE USE OF
7 STATE FLEXIBLE FUNDS;

8 (III) REQUIREMENTS FOR ACCESSING PRIVATE RESOURCES OF
9 FAMILIES TO CONTRIBUTE TO THE COST OF SERVICES TO CHILDREN WITH
10 INTENSIVE NEEDS, TO THE EXTENT THAT:

11 1. THE USE OF PRIVATE RESOURCES IS PERMITTED BY
12 FEDERAL LAW; AND

13 2. THE CONTRIBUTION IS CONSISTENT WITH THE FAMILY'S
14 ABILITY TO SHARE IN THE COST OF SERVICES WITHOUT UNDUE FINANCIAL
15 HARDSHIP TO THE FAMILY; AND

16 (IV) IN COLLABORATION WITH THE INSURANCE COMMISSIONER, A
17 STUDY OF THE ROLE OF THE PRIVATE INSURANCE INDUSTRY IN MEETING THE
18 NEEDS OF CHILDREN WITH INTENSIVE NEEDS; AND

19 (7) A PROTOCOL FOR AN OUTCOME-BASED EVALUATION OF THE
20 IMPLEMENTATION OF THE ABOVE MEASURES.

21 (E) (1) WITHIN 1 YEAR OF THE COMPLETION OF THE SUBCABINET PLAN,
22 EACH LOCAL JURISDICTION SHALL SUBMIT TO THE SUBCABINET A LOCAL PLAN TO
23 IMPLEMENT THE ELEMENTS OF THE SUBCABINET'S PLAN DESCRIBED IN
24 SUBSECTION (B) OF THIS SECTION.

25 (2) THE PLAN SHALL INCLUDE:

26 (I) RECOMMENDATIONS TO ACHIEVE THE CORE FUNCTIONS AND
27 STANDARDS ESTABLISHED BY THE SUBCABINET;

28 (II) TIMELINES FOR IMPLEMENTATION OF THOSE MEASURES,
29 SUBJECT TO THE AVAILABILITY OF FUNDING;

30 (III) PERFORMANCE STANDARDS CONSISTENT WITH THE
31 SUBCABINET'S EVALUATION PROTOCOL;

32 (IV) AN ESTIMATE OF THE COSTS OF IMPLEMENTING THE LOCAL
33 PLAN; AND

34 (V) RECOMMENDED FISCAL STRATEGIES TO FUND EXPANDED
35 SERVICES.

36 (3) THE LOCAL MANAGEMENT BOARD SHALL:

1 (I) COORDINATE DEVELOPMENT OF THE LOCAL PLAN WITH LOCAL
2 PUBLIC AGENCIES AND COMMUNITY REPRESENTATIVES; AND

3 (II) SUBMIT THE LOCAL PLAN TO THE SUBCABINET FOR APPROVAL.

4 (4) IMPLEMENTATION OF LOCAL PLANS SHALL BE SUBJECT TO THE
5 AVAILABILITY OF ADDITIONAL FUNDS, CONSISTENT WITH THIS SECTION.

6 [(4) (i)] (F) (1) The Special Secretary [of the Office] for Children,
7 Youth, and Families, through the Subcabinet, shall appoint a Committee to develop
8 the SUBCABINET plan.

9 [(ii)] (2) The Committee shall include THE FOLLOWING
10 INDIVIDUALS OR THE INDIVIDUAL'S DESIGNEES:

11 [1.] (I) The Secretary of Health and Mental Hygiene;

12 [2.] (II) The Secretary of Human Resources;

13 [3.] (III) The Secretary of Juvenile Justice;

14 [4.] (IV) The Secretary of Budget and Management;

15 [5.] (V) The State Superintendent of Schools; [and]

16 [6.] (VI) A representative of local education agencies; AND

17 (VII) A REPRESENTATIVE OF LOCAL MANAGEMENT BOARDS.

18 [(5)] (3) The Special Secretary shall serve as chairperson of the
19 Committee.

20 [(6)] (4) In developing the plan, the Committee shall consult with the
21 following:

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

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

25 1. Local governments;

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

27 3. Local health departments;

28 4. LOCAL COORDINATING COUNCILS;

29 5. LOCAL JUVENILE JUSTICE AREAS; AND

30 6. CORE SERVICE AGENCIES;

- 1 [(iii)] (II) Parents of children with special needs;
 2 [(iv)] (III) Private residential and day services providers;
 3 [(v)] (IV) Child advocacy organizations;
 4 [(vi)] (V) Former consumers of special needs services who are at
 5 least 18 years of age;
 6 [(vii)] (VI) A representative of the Maryland Health Care
 7 Commission; and
 8 [(viii)] (VII) Any other person the Special Secretary deems
 9 necessary.

10 [(c)] (G) (1) [Until the plan developed under subsection (b) of this section is
 11 fully implemented, a] A local or State agency may approve a new out-of-state
 12 placement of any child only if:

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

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

19 (iii) The child is currently in detention pursuant to a court order;

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

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

24 1. THE CHILD IS COMMITTED TO THE DEPARTMENT OF
 25 JUVENILE JUSTICE, A LOCAL DEPARTMENT OF SOCIAL SERVICES, OR THE
 26 DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

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

30 3. THE ONLY AVAILABLE APPROPRIATE PLACEMENT IS OUT
 31 OF STATE.

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

1 [(d)] (H) Each department's funds available for out-of-home care may be used
 2 flexibly for less restrictive care, in accordance with the plan developed under
 3 subsection [(c)] (B) OF THIS SECTION AND THE REQUIREMENTS OF SUBSECTION (G)
 4 of this section.

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

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

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

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

11 (iii) Any allowable exceptions.]

12 [(f)] (J) The Special Secretary for Children, Youth, and Families, the
 13 Secretaries of Health and Mental Hygiene, Human Resources, Juvenile Justice, and
 14 Budget and Management, and the State Superintendent of Schools shall implement
 15 the SUBCABINET plan developed under this section, SUBJECT TO THE AVAILABILITY
 16 OF FUNDING.

17 23.

18 (a) The Council consists of the following 20 members appointed by the
 19 Governor:

20 (1) The Secretary of Human Resources;

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

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

24 (4) The Secretary of Budget and Management;

25 (5) The State Superintendent of Schools;

26 (6) The Special Secretary [of the Office] for Children, Youth, and
 27 Families;

28 (7) 1 member of the Senate of Maryland nominated by the President of
 29 the Senate;

30 (8) 1 member of the House of Delegates of Maryland nominated by the
 31 Speaker of the House;

32 (9) 3 persons with extensive programmatic or academic experience with
 33 pregnant or parenting adolescents and their families;

1 (10) 5 persons including representatives of community, parent, or
2 religious groups or organizations who have interest or expertise in matters pertaining
3 to adolescent pregnancy and parenting;

4 (11) 2 representatives of local government in areas with a significant
5 incidence of adolescent pregnancy; and

6 (12) 2 student members who are high school juniors at the time of
7 appointment, regularly enrolled and in good standing in a high school in the State.

8 (b) (1) The term of a member appointed pursuant to subsection (a)(9), (10),
9 and (11) of this section shall be 3 years.

10 (2) The terms of the members appointed pursuant to subsection (a)(12) of
11 this section shall be 2 years.

12 (3) The terms of members appointed pursuant to subsection (a)(9), (10),
13 (11), and (12) of this section shall be staggered.

14 (4) At the end of a term, a member shall continue to serve until a
15 successor is appointed and qualifies.

16 (5) A member who is appointed pursuant to subsection (a)(9), (10), (11),
17 or (12) of this section after a term has begun shall serve only for the rest of the term
18 or until a successor is appointed.

19 (c) The Governor shall appoint a successor in the event of a vacancy on the
20 Council.

21 (d) A member of the Council:

22 (1) May not receive compensation; but

23 (2) Is entitled to reimbursement for reasonable expenses incurred in the
24 performance of Council duties, in accordance with Standard State Travel Regulations
25 and as provided in the State budget.

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

28 28.

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

31 MARYLAND SCHOOL-BASED HEALTH POLICY ADVISORY COUNCIL

32 40.

33 IN THIS SUBHEADING, "COUNCIL" MEANS THE MARYLAND SCHOOL-BASED
34 HEALTH CENTER POLICY ADVISORY COUNCIL.

1 41.

2 (A) THERE IS A MARYLAND SCHOOL-BASED HEALTH CENTER POLICY
3 ADVISORY COUNCIL.

4 (B) THE COUNCIL SHALL BE INDEPENDENT AND LOCATED IN THE OFFICE
5 FOR CHILDREN, YOUTH, AND FAMILIES FOR BUDGETARY AND ADMINISTRATIVE
6 PURPOSES ONLY.

7 (C) STAFF SUPPORT FOR THE COUNCIL SHALL BE PROVIDED BY THE OFFICE
8 FOR CHILDREN, YOUTH, AND FAMILIES.

9 42.

10 (A) THE COUNCIL SHALL CONSIST OF THE FOLLOWING 25 MEMBERS
11 APPOINTED BY THE GOVERNOR:

12 (1) THE SPECIAL SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES OR
13 THE SPECIAL SECRETARY'S DESIGNEE;

14 (2) THE STATE SUPERINTENDENT OF SCHOOLS OR THE
15 SUPERINTENDENT'S DESIGNEE;

16 (3) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE
17 SECRETARY'S DESIGNEE;

18 (4) THE SECRETARY OF JUVENILE JUSTICE OR THE SECRETARY'S
19 DESIGNEE;

20 (5) THE SECRETARY OF HUMAN RESOURCES OR THE SECRETARY'S
21 DESIGNEE;

22 (6) THE SECRETARY OF BUDGET AND MANAGEMENT OR THE
23 SECRETARY'S DESIGNEE;

24 (7) ONE MEMBER OF THE SENATE OF MARYLAND NOMINATED BY THE
25 PRESIDENT OF THE SENATE;

26 (8) ONE MEMBER OF THE HOUSE OF DELEGATES OF MARYLAND
27 NOMINATED BY THE SPEAKER OF THE HOUSE;

28 (9) ONE INDIVIDUAL WITH EXPERIENCE OR EXPERTISE WITH THE
29 MARYLAND MEDICAL ASSISTANCE PROGRAM;

30 (10) ONE LOCAL HEALTH OFFICER;

31 (11) ONE LOCAL SUPERINTENDENT OF SCHOOLS;

32 (12) THREE INDIVIDUALS FROM LOCAL JURISDICTIONS, INCLUDING AT
33 LEAST ONE REPRESENTATIVE OF A LOCAL MANAGEMENT BOARD;

1 (13) THREE INDIVIDUALS WHO REPRESENT COMMUNITY LEADERS FROM
2 ORGANIZATIONS AND FAITH COMMUNITIES THAT HAVE EXPERIENCE OR EXPERTISE
3 WITH THE SERVICES OFFERED IN SCHOOL-BASED HEALTH CENTERS;

4 (14) THREE CONSUMERS OF SCHOOL-BASED HEALTH CARE, INCLUDING
5 STUDENTS AND THE STUDENTS' PARENTS;

6 (15) A PEDIATRICIAN;

7 (16) A NURSE PRACTITIONER WHO SERVES CHILDREN IN A
8 SCHOOL-BASED HEALTH CENTER;

9 (17) A MEMBER OF THE MARYLAND ASSEMBLY OF SCHOOL-BASED
10 HEALTH CENTERS;

11 (18) A DENTAL HEALTH PROFESSIONAL; AND

12 (19) A REPRESENTATIVE OF THE MENTAL HYGIENE ADMINISTRATION OR
13 A CORE SERVICE AGENCY.

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

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

17 (2) MINORITY POPULATIONS OF THE STATE.

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

20 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
21 TERMS PROVIDED FOR MEMBERS OF THE COUNCIL ON OCTOBER 1, 2002.

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

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

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

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

31 (F) A MEMBER OF THE COUNCIL:

32 (1) MAY NOT RECEIVE COMPENSATION; BUT

1 (2) IS ENTITLED TO REIMBURSEMENT FOR REASONABLE EXPENSES
2 INCURRED IN THE PERFORMANCE OF COUNCIL DUTIES, IN ACCORDANCE WITH THE
3 STANDARD STATE TRAVEL REGULATIONS, AND AS PROVIDED IN THE STATE BUDGET.
4 43.

5 (A) A MAJORITY OF THE MEMBERS SERVING ON THE COUNCIL IS A QUORUM.

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

11 44.

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

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

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

20 (2) RECOMMEND LEGISLATIVE INITIATIVES;

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

24 (4) MONITOR THE DEVELOPMENT OF NOTIFICATIONS OF AVAILABLE
25 FUNDS;

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

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

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

34 (8) ESTABLISH STANDARDS OF PRACTICE WITHIN SCHOOL-BASED
35 HEALTH CENTERS;

1 (9) ENCOURAGE THE DEVELOPMENT OF MODELS OF EXCELLENCE IN
2 SCHOOL-BASED HEALTH CENTERS;

3 (10) PREPARE AN ANNUAL REPORT TO THE SUBCABINET; AND

4 (11) PERFORM OTHER ACTIVITIES IDENTIFIED THAT HAVE AN IMPACT
5 ON THE DEVELOPMENT, SUSTAINABILITY, OR QUALITY OF SCHOOL-BASED HEALTH
6 CARE IN MARYLAND.

7 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
8 members of the Maryland School-Based Health Policy Advisory Council shall expire
9 as follows:

10 (1) 8 members in 2003;

11 (2) 8 members in 2004; and

12 (3) 9 members in 2005.

13 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2002.