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

Introduced and read first time: February 25, 2002
Assigned to: Rules and Executive Nominations
Re-referred to: Appropriations, March 6, 2002

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 30, 2002

CHAPTER _____

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; extending to a certain date the
17 termination provisions relating to the statutory and regulatory authority of the
18 Office; defining certain terms; repealing certain definitions; altering certain
19 definitions; providing for the termination of this Act; making certain stylistic
20 and technical changes; and generally relating to the Office for Children, Youth,
21 and Families.

22 BY repealing
23 Article 49D - Office for Children, Youth, and Families
24 Section 5, 8, 9, and ~~29~~ 20.1(b) and the subheading designation "Out-of-State
25 Placement of Children" immediately preceding Section 20

1 Annotated Code of Maryland
2 (1998 Replacement Volume and 2001 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article 49D - Office for Children, Youth, and Families
5 Section 1, 4.2, 4.3, 11, 13, 15, 16, 17, 19, 20.1, 23, ~~and 28~~ 28, and 29
6 Annotated Code of Maryland
7 (1998 Replacement Volume and 2001 Supplement)

8 BY adding to
9 Article 49D - Office for Children, Youth, and Families
10 Section 40 through 44, inclusive, to be under the new subheading "Maryland
11 School-Based Health Center Policy Advisory Council"
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 2001 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - State Government
16 Section 8-403(b)(12)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2001 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That Section(s) 5, 8, 9, and ~~29~~ 20.1(b) and the subheading designation
21 "Out-of-State Placement of Children" immediately preceding Section 20 of Article
22 49D - Office for Children, Youth, and Families of the Annotated Code of Maryland be
23 repealed.

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

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

27 1.

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

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

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

- 1 (d) The following units are in the Office:
- 2 (1) [Advisory Committee for Children, Youth, and Families;
- 3 (2) Children's councils;
- 4 (3)] The Governor's Council on Adolescent Pregnancy;
- 5 [(4)] (2) The State Coordinating Council [for Residential Placement of
6 Handicapped Children; and] FOR CHILDREN;
- 7 (3) THE MARYLAND SCHOOL-BASED HEALTH CENTER POLICY ADVISORY
8 COUNCIL;
- 9 (4) THE STATE COUNCIL ON CHILD ABUSE AND NEGLECT ESTABLISHED
10 UNDER § 5-7A-01 OF THE FAMILY LAW ARTICLE;
- 11 (5) THE STATE COMMISSION ON INFANT MORTALITY PREVENTION; AND
- 12 [(5)] (6) Other multiple agency initiatives for children, youth, and
13 families that are not reserved by law to another agency.

14 4.2.

- 15 (a) (1) In this section the following words have the meanings indicated.
- 16 (2) "COMMUNITY PARTNERSHIP AGREEMENT" MEANS THE AGREEMENT
17 EXECUTED BETWEEN THE STATE AND THE LOCAL MANAGEMENT BOARDS RELATING
18 TO THE PROVISION OF SERVICES FOR CHILDREN, YOUTH, AND FAMILIES.
- 19 [(2)] (3) "Local management board" means the nonprofit corporation or
20 public agency designated in accordance with § 11 of this article.
- 21 [(3)] "Local management board grant agreement" means the agreement
22 executed between the State and local management board for the provision of services
23 for children and families in accordance with the plans developed under §§ 20.1 and 38
24 of this article.]
- 25 (4) "Incentives" means the moneys:
- 26 (i) Available from the reduction of costs of out-of-home
27 placements; and
- 28 (ii) Paid in accordance with [local management board grant
29 agreements] COMMUNITY PARTNERSHIP AGREEMENTS.
- 30 (b) There is a Subcabinet for Children, Youth, and Families Resource Fund.
- 31 (c) Subject to subsection (h) of this section, the Fund is a continuing,
32 nonlapsing special fund that is not subject to the provisions of § 7-302 of the State
33 Finance and Procurement Article.

1 (d) [In addition to] THE FUND CONSISTS OF any moneys that may be
2 appropriated, transferred, credited, or paid to the Fund from any source[, the Fund
3 shall consist of the State's share of incentives earned in accordance with the local
4 management board grant agreement], INCLUDING FUNDS THAT MAY BE PAYABLE AS
5 INCENTIVES UNDER THE COMMUNITY PARTNERSHIP AGREEMENTS.

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

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

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

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

13 (2) The Subcabinet shall expend the funds only in accordance with
14 priorities adopted by the Subcabinet [to fulfill the duties provided in § 4.1 of this
15 article].

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

18 4.3.

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

22 (1) [Establish] MAINTAIN a Subcabinet Fund which:

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

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

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

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

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

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

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

4 (4) Use outcome measures and fiscal incentives to encourage more
5 productive use of State funds for children and family services; AND

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

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

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

13 2. IMPLEMENT OTHER INITIATIVES APPROVED BY THE
14 SUBCABINET; AND

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

18 11.

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

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

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

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

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

31 (C) THE SPECIAL SECRETARY, WITH THE APPROVAL OF THE SUBCABINET,
32 SHALL ADOPT REGULATIONS:

33 (1) SPECIFYING THE ROLES AND RESPONSIBILITIES OF LOCAL
34 MANAGEMENT BOARDS;

35 (2) ESTABLISHING MINIMUM STANDARDS FOR THE COMPOSITION OF
36 LOCAL MANAGEMENT BOARDS;

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

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

7 (5) GENERALLY RELATING TO THE OPERATION OF LOCAL MANAGEMENT
8 BOARDS.

9 13.

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

11 (B) (1) "CHILD IN NEED OF OUT-OF-STATE PLACEMENT" MEANS A CHILD
12 WHO IS RECOMMENDED BY A MEMBER AGENCY OF THE LOCAL COORDINATING
13 COUNCIL FOR PLACEMENT IN AN OUT-OF-HOME PLACEMENT OUTSIDE OF THE
14 STATE.

15 (2) "CHILD IN NEED OF OUT-OF-STATE PLACEMENT" DOES NOT
16 INCLUDE A CHILD PLACED IN FOSTER CARE, AS DEFINED IN § 5-501 OF THE FAMILY
17 LAW ARTICLE.

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

19 (1) WHO IS RECOMMENDED BY A MEMBER ~~AGENCY~~ OF THE LOCAL
20 COORDINATING COUNCIL FOR RESIDENTIAL PLACEMENT;

21 (2) ON WHOSE BEHALF THE ~~AGENCY MEMBER~~ SEEKS STATE FUNDING
22 FOR THE PLACEMENT; AND

23 (3) WHO ~~THE A MEMBER~~ AGENCY HAS DETERMINED MEETS ELIGIBILITY
24 CRITERIA FOR A STATE-FUNDED PLACEMENT.

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

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

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

32 [(b)] (E) "Council" means the State Coordinating Council FOR CHILDREN.

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

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

2 (I) A HOSPITAL, UNDER CIRCUMSTANCES DESCRIBED IN
3 SUBCABINET REGULATIONS;

4 (II) A RESIDENTIAL TREATMENT CENTER; ~~OR~~

5 (III) A RESIDENTIAL SCHOOL; OR

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

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

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

11 (II) FOSTER CARE, AS DEFINED IN § 5-501 OF THE FAMILY LAW
12 ARTICLE.

13 15.

14 (a) The members of the Council are:

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

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

18 (3) The State Superintendent of Schools or the Superintendent's
19 designee;

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

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

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

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

28 (2) [The Secretary of Health and Mental Hygiene is the chairman of the
29 Council for a term of 12 consecutive months beginning on July 1, 1987. The Secretary
30 of Human Resources shall succeed the Secretary of Health and Mental Hygiene as
31 chairman for a term of 12 consecutive months, the Secretary of the Department of
32 Juvenile Justice shall succeed the Secretary of Human Resources for a term of 12
33 consecutive months, the State Superintendent of Schools shall succeed the Secretary
34 of the Department of Juvenile Justice for a term of 12 consecutive months and the

1 Special Secretary of the Office for Children, Youth, and Families shall succeed the
2 State Superintendent of Schools for a term of 12 consecutive months.

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

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

10 16.

11 The Council shall:

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

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

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

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

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

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

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

29 (II) ENHANCED SERVICES TO CHILDREN WITH INTENSIVE NEEDS,
30 SUBJECT TO THE AVAILABILITY OF FUNDING AND IN ACCORDANCE WITH ~~THE~~
31 ~~SUBCABINET PLAN DEVELOPED UNDER § 20.1(B) OF THIS SUBTITLE~~ A PLAN
32 DEVELOPED BY THE SUBCABINET;

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

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

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

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

5 (11) PERFORM OTHER RELATED ACTIVITIES IDENTIFIED BY THE
6 SUBCABINET.

7 17.

8 (A) Each local coordinating council shall include:

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

10 [(1)] The Mental Hygiene Administration;

11 [(2)] (I) The Department of Juvenile Justice;

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

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

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

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

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

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

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

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

23 (2) A PARENT ~~OR~~ PARENT ADVOCATE, OR BOTH, APPOINTED BY THE
24 CHAIRMAN OF THE LOCAL COORDINATING COUNCIL IN CONSULTATION WITH THE
25 CHILD ADVOCACY COMMUNITY.

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

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

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

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

3 (2) SUBJECT TO THE AVAILABILITY OF FUNDING, THE LOCAL
4 MANAGEMENT BOARD SHALL PROVIDE ADMINISTRATIVE STAFF AND SUPPORT TO
5 THE LOCAL COORDINATING COUNCIL.

6 (3) THE LOCAL COORDINATING COUNCIL SHALL BE INDEPENDENT OF
7 THE LOCAL MANAGEMENT BOARD IN ITS DECISIONS REGARDING INDIVIDUAL PLANS
8 OF CARE FOR CHILDREN AND POLICY RECOMMENDATIONS REGARDING SERVICES TO
9 CHILDREN.

10 19.

11 (a) [The] CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAWS, THE
12 Council and the local {coordinating} councils shall develop and implement plans of
13 care for the residential placement of children [with disabilities in the State] IN NEED
14 OF RESIDENTIAL PLACEMENT AND CHILDREN IN NEED OF OUT-OF-STATE
15 PLACEMENT.

16 (b) A local {coordinating} council shall:

17 (1) Accept placement referrals from the agencies represented on the local
18 {coordinating} council;

19 (2) [Decide what type of placement is needed by the child with
20 disabilities who is referred for placement] ~~CONSISTENT WITH APPLICABLE FEDERAL
21 AND STATE LAWS,~~ REVIEW RECOMMENDATIONS FOR THE RESIDENTIAL PLACEMENT
22 OF CHILDREN REFERRED TO THE LOCAL COORDINATING COUNCIL IN ACCORDANCE
23 WITH THIS SECTION; AS FOLLOWS:

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

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

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

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

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

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

3 20.1.

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

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

8 (2) To serve children:

9 (i) In their homes; or

10 (ii) In the least restrictive setting most appropriate to their
11 individual needs;

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

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

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

26 ~~[(2) Except as provided in subsection (b)(3) and (c) of this section, the plan~~
27 ~~shall have a goal of returning all children with special needs from out of state~~
28 ~~placements by July 1, 1997.~~

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

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

34 (ii) ~~Any needed changes in rate setting and licensing;~~

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

4 (iv) The amount and sources of funds needed to implement the plan;
5 and

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

8 (1) IMPROVING ACCESS TO SERVICES FOR CHILDREN WITH INTENSIVE
9 NEEDS;

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

12 (3) REDUCING THE NUMBER OF CHILDREN IN PLACEMENTS OUTSIDE OF
13 THEIR HOME COMMUNITIES.

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

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

19 (1) TIMELINES FOR DEVELOPMENT AND IMPLEMENTATION OF THE
20 ELEMENTS OF THE PLAN;

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

23 (1) PROVIDE ASSISTANCE TO PARENTS TO:

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

26 2. REFER CHILDREN TO AVAILABLE PUBLIC AND PRIVATE
27 RESOURCES TO MEET THOSE NEEDS; AND

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

30 (II) MAY BE PROVIDED BY LOCAL JURISDICTIONS UTILIZING AND
31 SUPPLEMENTING EXISTING CAPACITY, CONSISTENT WITH THE SUBCABINET'S
32 STANDARDS;

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

1 (I) COLLECTION AND REPORTING OF INFORMATION REGARDING
2 CHILDREN WITH INTENSIVE NEEDS AND CHILDREN IN NEED OF RESIDENTIAL
3 PLACEMENT, INCLUDING:

4 1. SPECIFIC DATA TO BE COLLECTED; AND

5 2. REPORTING REQUIREMENTS TO THE SUBCABINET;

6 (II) COORDINATED CASE MANAGEMENT SUBJECT TO AVAILABLE
7 FUNDING, PROVIDED THROUGH:

8 1. EXISTING AGENCY CASE MANAGEMENT SERVICES; OR

9 2. WHERE NO CURRENT CASE MANAGEMENT SERVICES ARE
10 AVAILABLE FOR A CHILD, THE LOCAL MANAGEMENT BOARD OR OTHER ENTITY
11 DESIGNATED BY THE JURISDICTION;

12 (III) THE PROVISION OF COMMUNITY BASED, INTERAGENCY
13 SERVICES TO CHILDREN WITH INTENSIVE NEEDS, TO THE EXTENT THAT:

14 1. THE SERVICES ARE CONSISTENT WITH FEDERAL AND
15 STATE LAWS;

16 2. THE SERVICES SUPPLEMENT EXISTING AGENCY
17 RESOURCES; AND

18 3. FUNDING IS AVAILABLE TO PROVIDE THE SUPPLEMENTAL
19 SERVICES; AND

20 (IV) REVIEW OF RECOMMENDATIONS TO PLACE CHILDREN IN
21 RESIDENTIAL PLACEMENTS, INCLUDING:

22 1. EXPEDITED REVIEW OF RESIDENTIAL PLACEMENTS
23 RECOMMENDED IN ACCORDANCE WITH THE FEDERAL INDIVIDUALS WITH
24 DISABILITIES EDUCATION ACT OR FEDERAL MEDICAID REQUIREMENTS, IF:

25 A. THE LEAD AGENCY HAS DETERMINED THAT THE
26 RECOMMENDED RESIDENTIAL PLACEMENT IS THE LEAST RESTRICTIVE
27 ENVIRONMENT THAT IS EDUCATIONALLY OR MEDICALLY APPROPRIATE FOR THE
28 CHILD; AND

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

31 2. FULL REVIEW OF OTHER RECOMMENDED RESIDENTIAL
32 PLACEMENTS; AND

33 3. REVIEW AND REFERRAL OF RECOMMENDED
34 OUT OF STATE PLACEMENTS TO THE STATE COORDINATING COUNCIL;

1 (4) ~~IDENTIFICATION OF LOCAL PUBLIC AGENCIES AND COMMUNITY~~
2 ~~REPRESENTATIVES TO PARTICIPATE IN THE DEVELOPMENT OF THE LOCAL PLAN~~
3 ~~REQUIRED IN SUBSECTION (E) OF THIS SECTION;~~

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

7 (6) ~~CONSIDERATION OF FINANCING STRATEGIES TO FUND THE~~
8 ~~IMPLEMENTATION OF LOCAL PLANS, INCLUDING:~~

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

11 (II) ~~THE IDENTIFICATION OF SPECIFIC STRATEGIES TO MAXIMIZE~~
12 ~~FEDERAL FUNDING OF COMMUNITY-BASED SERVICES AND THE EFFECTIVE USE OF~~
13 ~~STATE FLEXIBLE FUNDS;~~

14 (III) ~~REQUIREMENTS FOR ACCESSING PRIVATE RESOURCES OF~~
15 ~~FAMILIES TO CONTRIBUTE TO THE COST OF SERVICES TO CHILDREN WITH~~
16 ~~INTENSIVE NEEDS, TO THE EXTENT THAT:~~

17 1. ~~THE USE OF PRIVATE RESOURCES IS PERMITTED BY~~
18 ~~FEDERAL LAW; AND~~

19 2. ~~THE CONTRIBUTION IS CONSISTENT WITH THE FAMILY'S~~
20 ~~ABILITY TO SHARE IN THE COST OF SERVICES WITHOUT UNDUE FINANCIAL~~
21 ~~HARDSHIP TO THE FAMILY; AND~~

22 (IV) ~~IN COLLABORATION WITH THE INSURANCE COMMISSIONER, A~~
23 ~~STUDY OF THE ROLE OF THE PRIVATE INSURANCE INDUSTRY IN MEETING THE~~
24 ~~NEEDS OF CHILDREN WITH INTENSIVE NEEDS; AND~~

25 (7) ~~A PROTOCOL FOR AN OUTCOME-BASED EVALUATION OF THE~~
26 ~~IMPLEMENTATION OF THE ABOVE MEASURES.~~

27 (E) (1) ~~WITHIN 1 YEAR OF THE COMPLETION OF THE SUBCABINET PLAN,~~
28 ~~EACH LOCAL JURISDICTION SHALL SUBMIT TO THE SUBCABINET A LOCAL PLAN TO~~
29 ~~IMPLEMENT THE ELEMENTS OF THE SUBCABINET'S PLAN DESCRIBED IN~~
30 ~~SUBSECTION (B) OF THIS SECTION.~~

31 (2) ~~THE PLAN SHALL INCLUDE:~~

32 (I) ~~RECOMMENDATIONS TO ACHIEVE THE CORE FUNCTIONS AND~~
33 ~~STANDARDS ESTABLISHED BY THE SUBCABINET;~~

34 (II) ~~TIMELINES FOR IMPLEMENTATION OF THOSE MEASURES,~~
35 ~~SUBJECT TO THE AVAILABILITY OF FUNDING;~~

1 (III) PERFORMANCE STANDARDS CONSISTENT WITH THE
2 SUBCABINET'S EVALUATION PROTOCOL;

3 (IV) AN ESTIMATE OF THE COSTS OF IMPLEMENTING THE LOCAL
4 PLAN; AND

5 (V) RECOMMENDED FISCAL STRATEGIES TO FUND EXPANDED
6 SERVICES.

7 (3) THE LOCAL MANAGEMENT BOARD SHALL:

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

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

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

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

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

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

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

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

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

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

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

24 (VII) A REPRESENTATIVE OF LOCAL MANAGEMENT BOARDS.

25 [(5)] (3) The Special Secretary shall serve as chairperson of the
26 Committee.

27 [(6)] (4) In developing the plan, the Committee shall consult with the
28 following:

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

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

- 1 (1) The Secretary of Human Resources;
- 2 (2) The Secretary of Health and Mental Hygiene;
- 3 (3) The Secretary of [Labor, Licensing, and Regulation] BUSINESS AND
4 ECONOMIC DEVELOPMENT;
- 5 (4) The Secretary of Budget and Management;
- 6 (5) The State Superintendent of Schools;
- 7 (6) The Special Secretary [of the Office] for Children, Youth, and
8 Families;
- 9 (7) 1 member of the Senate of Maryland nominated by the President of
10 the Senate;
- 11 (8) 1 member of the House of Delegates of Maryland nominated by the
12 Speaker of the House;
- 13 (9) 3 persons with extensive programmatic or academic experience with
14 pregnant or parenting adolescents and their families;
- 15 (10) 5 persons including representatives of community, parent, or
16 religious groups or organizations who have interest or expertise in matters pertaining
17 to adolescent pregnancy and parenting;
- 18 (11) 2 representatives of local government in areas with a significant
19 incidence of adolescent pregnancy; and
- 20 (12) 2 student members who are high school juniors at the time of
21 appointment, regularly enrolled and in good standing in a high school in the State.
- 22 (b) (1) The term of a member appointed pursuant to subsection (a)(9), (10),
23 and (11) of this section shall be 3 years.
- 24 (2) The terms of the members appointed pursuant to subsection (a)(12) of
25 this section shall be 2 years.
- 26 (3) The terms of members appointed pursuant to subsection (a)(9), (10),
27 (11), and (12) of this section shall be staggered.
- 28 (4) At the end of a term, a member shall continue to serve until a
29 successor is appointed and qualifies.
- 30 (5) A member who is appointed pursuant to subsection (a)(9), (10), (11),
31 or (12) of this section after a term has begun shall serve only for the rest of the term
32 or until a successor is appointed.
- 33 (c) The Governor shall appoint a successor in the event of a vacancy on the
34 Council.

1 (d) A member of the Council:

2 (1) May not receive compensation; but

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

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

8 28.

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

11 29.

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

15 MARYLAND SCHOOL-BASED HEALTH POLICY ADVISORY COUNCIL

16 40.

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

19 41.

20 (A) THERE IS A MARYLAND SCHOOL-BASED HEALTH CENTER POLICY
21 ADVISORY COUNCIL.

22 (B) THE COUNCIL SHALL BE INDEPENDENT AND LOCATED IN THE OFFICE
23 FOR CHILDREN, YOUTH, AND FAMILIES FOR BUDGETARY AND ADMINISTRATIVE
24 PURPOSES ONLY.

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

27 42.

28 (A) THE COUNCIL SHALL CONSIST OF THE FOLLOWING 25 MEMBERS
29 APPOINTED BY THE GOVERNOR:

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

32 (2) THE STATE SUPERINTENDENT OF SCHOOLS OR THE
33 SUPERINTENDENT'S DESIGNEE;

1 (3) THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE
2 SECRETARY'S DESIGNEE;

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

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

7 (6) THE SECRETARY OF BUDGET AND MANAGEMENT OR THE
8 SECRETARY'S DESIGNEE;

9 (7) ONE MEMBER OF THE SENATE OF MARYLAND NOMINATED BY THE
10 PRESIDENT OF THE SENATE;

11 (8) ONE MEMBER OF THE HOUSE OF DELEGATES OF MARYLAND
12 NOMINATED BY THE SPEAKER OF THE HOUSE;

13 (9) ONE INDIVIDUAL WITH EXPERIENCE OR EXPERTISE WITH THE
14 MARYLAND MEDICAL ASSISTANCE PROGRAM;

15 (10) ONE LOCAL HEALTH OFFICER;

16 (11) ONE LOCAL SUPERINTENDENT OF SCHOOLS;

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

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

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

24 (15) A PEDIATRICIAN;

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

27 (17) A MEMBER OF THE MARYLAND ASSEMBLY OF SCHOOL-BASED
28 HEALTH CENTERS;

29 (18) A DENTAL HEALTH PROFESSIONAL; AND

30 (19) A REPRESENTATIVE OF THE MENTAL HYGIENE ADMINISTRATION OR
31 A CORE SERVICE AGENCY.

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

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

2 (2) MINORITY POPULATIONS OF THE STATE.

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

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

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

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

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

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

16 (F) A MEMBER OF THE COUNCIL:

17 (1) MAY NOT RECEIVE COMPENSATION; BUT

18 (2) IS ENTITLED TO REIMBURSEMENT FOR REASONABLE EXPENSES
19 INCURRED IN THE PERFORMANCE OF COUNCIL DUTIES, IN ACCORDANCE WITH THE
20 STANDARD STATE TRAVEL REGULATIONS, AND AS PROVIDED IN THE STATE BUDGET.
21 43.

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

23 (B) THE COUNCIL SHALL DETERMINE THE TIMES AND PLACES OF ITS
24 MEETINGS AND ANY OTHER NECESSARY OPERATING PROCEDURES WHICH MAY
25 INCLUDE THE ESTABLISHMENT OF SUBCOMMITTEES, CONSULTANT PANELS, OR
26 WORK GROUPS UTILIZING THE EXPERTISE OF NONCOUNCIL AND NONPANEL
27 MEMBERS.

28 44.

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

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

- 1 (1) MONITOR THE ACTIVITIES AND RANGE OF SERVICES OF THE
2 SCHOOL-BASED HEALTH CENTERS;
- 3 (2) RECOMMEND LEGISLATIVE INITIATIVES;
- 4 (3) DEVELOP AND UPDATE A COMPENDIUM OF TECHNICAL ASSISTANCE
5 EXPERTS THAT WILL BE USED AS A REFERENCE WHEN LOCAL REQUESTS FOR
6 ASSISTANCE COME TO THE STATE;
- 7 (4) MONITOR THE DEVELOPMENT OF NOTIFICATIONS OF AVAILABLE
8 FUNDS;
- 9 (5) PARTICIPATE IN THE REVIEW OF GRANTS TO LOCAL JURISDICTIONS
10 FOR THE DEVELOPMENT OF SCHOOL-BASED HEALTH CARE PROGRAMS;
- 11 (6) DEVELOP STRATEGIES FOR FUNDING AND REIMBURSEMENT OF
12 CARE DELIVERED IN SCHOOL-BASED HEALTH CENTERS;
- 13 (7) DEVELOP A CONSISTENT OUTCOME MEASUREMENT TOOL TO BE
14 USED BY ALL SCHOOL-BASED HEALTH CENTERS IN THE STATE AND ASSESS THE
15 PROGRESS OF ALL SCHOOL-BASED HEALTH CENTERS BASED ON THE INFORMATION
16 COLLECTED;
- 17 (8) ESTABLISH STANDARDS OF PRACTICE WITHIN SCHOOL-BASED
18 HEALTH CENTERS;
- 19 (9) ENCOURAGE THE DEVELOPMENT OF MODELS OF EXCELLENCE IN
20 SCHOOL-BASED HEALTH CENTERS;
- 21 (10) PREPARE AN ANNUAL REPORT TO THE SUBCABINET; AND
- 22 (11) PERFORM OTHER ACTIVITIES IDENTIFIED THAT HAVE AN IMPACT
23 ON THE DEVELOPMENT, SUSTAINABILITY, OR QUALITY OF SCHOOL-BASED HEALTH
24 CARE IN MARYLAND.

25 **Article - State Government**

26 8-403.

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

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

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

- 1 (1) 8 members in 2003;
2 (2) 8 members in 2004; and
3 (3) 9 members in 2005.

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

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

- 7 (1) improving access to services for children with intensive needs;
8 (2) developing community-based resources for children with intensive
9 needs and children at risk of residential placement; and
10 (3) reducing the number of children in placements outside of their home
11 communities.

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

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

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

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

21 (i) provide assistance to parents to:

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

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

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

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

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

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

- 1 1. specific data to be collected; and
- 2 2. requirements for reporting to the Subcabinet;
- 3 (ii) coordinated case management subject to available funding,
4 provided through:
- 5 1. existing agency case management services; or
- 6 2. where no current case management services are available
7 for a child, the local management board or other entity designated by the jurisdiction;
- 8 (iii) the provision of community-based, interagency services to
9 children with intensive needs, to the extent that:
- 10 1. the services are consistent with federal and State laws;
- 11 2. the services supplement existing agency resources; and
- 12 3. funding is available to provide the supplemental services;
13 and
- 14 (iv) review of recommendations to place children in residential
15 placements, in accordance with Article 49D, § 19(b) of the Code;
- 16 (4) identification of local public agencies and community representatives
17 to participate in the development of the local plan required in subsection (e) of this
18 section;
- 19 (5) a process for the resolution of disputes among local agencies
20 represented on the local coordinating council regarding the funding or provision of
21 services to a child;
- 22 (6) consideration of financing strategies to fund the implementation of
23 local plans, including:
- 24 (i) a special case rate reimbursement system for children with
25 intensive needs in at least one jurisdiction;
- 26 (ii) the identification of specific strategies to maximize federal
27 funding of community-based services and the effective use of State flexible funds;
- 28 (iii) requirements for accessing private resources of families to
29 contribute to the cost of services to children with intensive needs, to the extent that:
- 30 1. the use of private resources is permitted by federal law;
31 and
- 32 2. the contribution is consistent with the family's ability to
33 share in the cost of services without undue financial hardship to the family; and

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

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

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

9 (2) The plan shall include:

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

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

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

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

17 (v) recommended fiscal strategies to fund expanded services.

18 (3) The local management board shall:

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

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

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

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

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

28 (i) the Secretary of Health and Mental Hygiene;

29 (ii) the Secretary of Human Resources;

30 (iii) the Secretary of Juvenile Justice;

31 (iv) the Secretary of Budget and Management;

32 (v) the State Superintendent of Schools;

- 1 (vi) a representative of local education agencies; and
- 2 (vii) a representative of local management boards.
- 3 (3) The Special Secretary shall serve as chairperson of the Committee.
- 4 (4) In developing the plan, the Committee shall consult with the
5 following:
- 6 (i) representatives from each of the following:
- 7 1. local governments;
- 8 2. local departments of social services;
- 9 3. local health departments;
- 10 4. local coordinating councils;
- 11 5. local juvenile justice areas;
- 12 6. core service agencies; and
- 13 7. Developmental Disabilities Administration regional
14 offices;
- 15 (ii) parents of children with special needs;
- 16 (iii) private residential and day services providers;
- 17 (iv) child advocacy organizations;
- 18 (v) former consumers of special needs services who are at least 18
19 years of age;
- 20 (vi) a representative of the Maryland Health Care Commission; and
- 21 (vii) any other person the Special Secretary deems necessary.
- 22 (f) The Subcabinet plan shall be submitted to the Governor and the General
23 Assembly and published in the Maryland Register.

24 SECTION 4. 5. AND BE IT FURTHER ENACTED, That this Act shall take
25 effect ~~October~~ July 1, 2002. It shall remain effective for a period of 3 years and, at the
26 end of June 30, 2005, with no further action required by the General Assembly, this
27 Act shall be abrogated and of no further force and effect.

